

A U S T I N C I T Y C O U N C I L

AGENDA



Thursday, May 18, 2006

Item #55PH

+ Back

**Zone Hearings/App Ordinances/Restrictive Covenants
RECOMMENDATION FOR COUNCIL ACTION**

Subject: C814-89-0006.03 - Canyon Ridge PUD Amendment #3 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7300 F.M. 2222 Road, 6500 and 6508 Jester Boulevard (West Bull Creek Watershed) from planned unit development (PUD) district zoning to planned unit development (PUD) district zoning to change a condition of zoning. Zoning and Platting Commission Recommendation: To grant planned unit development (PUD) district zoning. Applicant: F.M. 2222/Jester L.P. (Louis R. Williams). Agent: Ambrust and Brown, L.L.P. (Richard T. Suttle, Jr.). City Staff: Sherri Sirwaitis, 974-3057.

Additional Backup Material
(click to open)
No Attachments Available

For More Information: Sherri Sirwaitis, 974-3057

ZONING CHANGE REVIEW SHEET

CASE: C814-89-0006.03

Z.A.P. DATE: January 31, 2006
February 7, 2006
February 21, 2006
March 7, 2006
March 21, 2006

ADDRESS: 7300 F.M. 2222 Road, 6500 and 6508 Jester Boulevard

APPLICANT/OWNER: FM 2222/Jester, L.P. (Louis R. Williams)

AGENT: Armbrust & Brown, L.L.P. (Richard T. Suttle, Jr.)

ZONING FROM: PUD **TQ:** PUD **AREA:** 56.950 acres

The applicant is requesting to amend the Canyon Ridge Planned Unit Development to add retail uses to Lots 2 and 4 and office uses to Lot 3 of the PUD Land Use Plan (Applicant Request Letter – Attachment A). In addition, the applicant is requesting the following alterations to the conditions for Lots 2, 3, and 4 of the approved PUD:

- 1) A variance from Sections 25-8-341 and 25-8-342 of the City of Austin Land Development Code to allow for more than four feet of cut and fill.
- 2) A variance from Section 25-8-302(A)(1) of the City of Austin Land Development Code to allow construction on slopes that have a gradient of more than 25 percent.
- 3) A variance from Section 25-8-302(B)(1) of the City of Austin Land Development Code to allow more than 10 percent impervious cover on slopes with gradients between 15-25 percent.
- 4) A waiver from Section 25-8-423(C) of the City of Austin Land Development Code to allow the construction of a water quality pond within the water quality transition zone of a Water Supply Suburban Watershed.
- 5) A waiver to allow for alternative landscaping compliance, per Section 25-2-1001 of the City of Austin Land Development Code and Section 2.5.0 of the Environmental Criteria Manual.
- 6) To amend the Land Use Plan to allocate 8.4315 acres of approved transfer rights within Lots 2, 3 and 4.
- 7) To allow a full service driveway with all turning movements from Jester Boulevard onto Lots 2, 3, and 4 of the PUD and to allow for a total of two driveway approaches within Lots 2, 3, and 4 onto Jester Boulevard.
- 8) To allow an overall parking ratio of 1 space to 275 square feet of development on Lots 2, 3, and 4 of the PUD.
- 9) To amend the Land Use Plan to increase the maximum height of a structure from 28 feet to 34 feet above ground level within Lots 2, 3, and 4 of the PUD.
- 10) A waiver to Sec. 25-2-1124 (Hill Country Roadway Corridor Building Height) of the City of Austin Land Development Code to waive the requirement that a person may not construct a building that is more than 28 feet in height, if the building is in a low intensity zone.
- 11) To amend the Land Use Plan to remove the maximum restriction of 4,000 square feet of gross floor area per building within Lots 2, 3, and 4 of the PUD. This will allow buildings to be placed closer together on the site.
- 12) To allow for the construction of drive through lanes Lots 2, 3, and 4 of the PUD.

- 13) To amend the Land Use Plan to permit the Restaurant (Limited) use on Lots 2, 3, and 4 of the PUD.

The applicant has offered to provide the following benefits for development on Lots 2, 3, and 4 of the PUD through this proposed amendment:

- a) The amount of overall impervious cover will be reduced by 2.05 acres.
- b) The amount of impervious cover within the water quality transition zone will be reduced by 2.680 acres.
- c) Reducing the amount of building coverage by 21,000 square feet and the floor to area ratio by .48 acres.
- d) Utilizing a 1:275 parking ratio and incorporate shared parking to reduce the amount of parking spaces by 202 spaces and to reduce the adjusted trips per day by 1,237.
- e) To build a 2-level parking garage that will hold approximately 270 cars. This will result in an additional reduction of approximately .7 acres of impervious cover and an overall reduction of 2.05 acres.
- f) To add a note to the PUD that reads, "Lots 2, 3 and 4 are hereby restricted to a maximum of 2.9617 acres of development rights from Lot 5-Area 1". Essentially, the applicant will be giving up the remaining 4.6517 acres of development rights allocated on the LUP from Lot 5-Area 1.
- g) To implement an IPM program.
- h) To provide rainwater harvesting for irrigation purposes.
- i) Structural containment of all unstable cuts.
- j) Utilization of triple silt fence and compost bails for erosion controls. The applicant is also willing to hire an individual knowledgeable in erosion controls and tree protection to conduct daily site inspections and keep a daily log.
- k) To utilize 40% pervious pavers on all internal sidewalks.
- l) To add a note that states "At site plan stage an area will be dedicated for picnic and seating areas around all office buildings" or incorporate this into a restrictive covenant to help ensure the construction.
- m) The applicant proposes at minimum 5' sidewalks along the main-street with 6" caliper trees planted every 30 feet on center with attractive lighting spaces at a maximum of 50' feet apart. The developer would also be willing to enter into a restrictive covenant to ensure the above is constructed.
- n) The applicant will provide a 100 foot vegetative buffer zone along F.M. 2222 in order to comply with the intent of the Hill Country Roadway ordinance. However, a water quality pond will be located within the 100 feet buffer area, but not within the minimum 25 foot natural or landscaped buffer that is required by Section 13-7-66(B) of the 1981 Land Development Code. The applicant is willing to restore this area to a moderate restoration level, per. Section 2.7.0 of the Environmental Criteria Manual. The applicant would also like to incorporate multiple design elements, including stone veneer, colored concrete, raised flowerbeds and a design that would visually reduce the height of the water quality pond walls by meandering the pond walls facing F.M. 2222. The developer would be willing to enter into a restrictive covenant to ensure the conditions listed above.
- o) The applicant proposes the following alternative landscaping compliance:
 - 1. All required shade trees across the site will be a 4" caliper minimum.
 - 2. The plant palette will only consist of native plant material.
 - 3. The applicant will exceed all screening requirements by 50%.

SUMMARY STAFF RECOMMENDATION:

The staff's recommends approval of the proposed amendment to the Canyon Ridge PUD with the following conditions:

1. The applicant shall construct a 1-story parking garage that holds approximately 270 cars within Lots 2, 3, or 4 of the PUD. This will result in an additional reduction of impervious cover of 0.68 acres.
2. The applicant shall add a note #28 on the Land Use Plan that reads "Lots 2, 3, and 4 are hereby restricted to allow a maximum of 2.9617 acres of development rights from Lot 5 Area 1."
3. The applicant will implement an IPM program for development within the PUD.
4. The applicant shall provide a rainwater collection system for landscaping irrigation.
5. There will be structural containment of all unstable cuts.
6. The applicant will provide an individual knowledgeable in erosion control and tree protection to conduct daily inspections of the site during site development. This person will be responsible for maintaining a daily log to be kept on site and accessible to the city environmental inspector. The applicant will also utilize superior erosion controls, including multiple layers of silt fencing.
7. The applicant shall utilize 40% pervious pavers on all internal sidewalks for the development. (These sidewalks are included in the impervious cover calculations).
8. Section 25-2-1124 (Building Height) of the Land Development Code shall be modified to allow a maximum height of 34 feet, provided that any height in excess of 28 feet is allowed only if measured from an approved cut on the upslope side of a building.
9. The applicant will be required to screen all drive through lanes from F.M. 2222 (Hill Country Roadway Corridor).
10. The applicant will construct at minimum 5-foot sidewalks along the main-street with 6-inch caliper trees to be planted every 30 feet on center with attractive lighting spaces at a maximum of 50 feet apart.
11. The applicant will provide a 100-foot vegetative buffer zone along F.M. 2222 in order to comply with the intent of the Hill Country Roadway ordinance. The applicant is will restore this area to a moderate restoration level, per. Section 2.7.0 of the Environmental Criteria Manual and will incorporate multiple design elements, including stone veneer, colored concrete, raised flowerbeds and a design standards to reduce visual impact of the height of the water quality pond walls by meandering the pond walls facing F.M. 2222.
12. The applicant will provide the following alternative landscaping compliance for development on Lots 2, 3, and 4 of the PUD:
 - * All required shade trees across the site will be a 4-foot caliper minimum.
 - * The plant palette will only consist of native plant material.
 - * The applicant will exceed all screening requirements by 50%.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

- 1/31/06: Postponed to February 7, 2006 by staff by consent (8-0, J. Gohil-absent); J.Martinez-1st, M. Hawthorne-2nd.
- 2/07/06: Postponed to February 21, 2006 by the staff and the applicant (6-0, J. Martinez, K. Jackson, J. Gohil-absent); M. Hawthorne-1st, J. Pinnelli-2nd.
- 2/21/06: Postponed to March 3, 2006 by the staff (8-0, t. Rabago-not yet arrived); J. Martinez-1st, J. Gohil-2nd.

3/07/06: Postponed to March 21, 2006 by the neighborhood (9-0); J. Martinez-1st, J. Pinnelli-2nd.

3/21/06: Approved staff's recommendation with added restriction that only one drive-through service related to a restaurant is permitted on the site (6-2, S. Hale, C. Hammond-nay; J. Martinez-absent); K. Jackson-1st; J. Pinnelli-2nd.

ISSUES:

On April 14, 2006, the staff received a petition from surrounding property owners in opposition to the rezoning of this property from PUD to PUD (Attachment F). This petition is valid at 26.88% and therefore will require an affirmative vote of three-fourths of the members of Council to approve a proposed rezoning.

The excerpt below is from the City of Austin's Land Development Code and explains when the City Council is subject to the three-fourths vote.

Sec. 25-2-284 REQUIREMENT FOR APPROVAL BY THREE-FOURTHS OF COUNCIL

- (A) *The affirmative vote of three-fourths of the members of Council is required to approve a proposed rezoning if:*
- (1) *the Land Use Commission recommends denial of an application to rezone property to a planned unit development; or*
 - (2) *the proposed rezoning is protested in writing by the owners of not less than 20 percent of the area of land:*
 - (a) *included in the proposed change; or*
 - (b) *immediately adjoining the area included in the proposed rezoning and extending 200 feet from the area.*

The Environmental Board heard the applicant's request for four variances relating to environmental requirements stated in the City of Austin Land Development Code (LDC) and the Environmental Criteria Manual (ECM) on March 1, 2006 (EV Board Agenda Information – Attachment D). The Environmental Board recommended the environmental variances in Canyon Ridge PUD Amendment #3 with the staff's conditions and added a condition that the applicant will maintain a kiosk on the site informing the public about habitats in the Balcones Conservation Preserve.

The staff has received letters from surrounding homeowners associations and residents concerning this case (Letters – Attachment E).

DEPARTMENT COMMENTS:

The Canyon Ridge Planned Unit Development (PUD) was originally approved by the City of Austin on November 14, 1991. The property in question is located at the northwestern corner of F.M. 2222 and Jester Boulevard. The site is currently undeveloped and has a terrain that slopes steeply to the east. The applicant is requesting to amend the Canyon Ridge PUD to allow for 30,500 square feet of commercial uses, 21,500 square feet of restaurant uses, and 170,000 square feet of office uses on Lots 2, 3, and 4. The applicant would like add retail uses to Lots 2 and 4 (which are currently designated for office use) and office uses to Lot 3 (which is currently designated for retail use) of the PUD land use plan. In addition, the applicant is requesting variances/waivers for cut and fill, construction on slopes, construction of a water quality pond

within the water quality transition zone, for alternative landscaping compliance, to approve transfer rights, and to increase the maximum height of a structure from 28 feet to 34 feet above ground level on Lots 2, 3, and 4 of the PUD. The applicant is also requesting to amend the current PUD ordinance as it applies to Lots 2, 3, and 4 to allow for full service driveways from Jester Boulevard, to allow a parking ratio of 1 space to 275 square feet of development, to remove the maximum restriction of 4,000 square feet of gross floor area per building, to allow for drive through lanes, and to permit the Restaurant (General and Limited) uses.

While drafting a preliminary site plan layout for Lots 2, 3, and 4 of the PUD, the applicant discovered that there were discrepancies between the original topography maps and the new computer generated slope studies for this property. The original PUD ordinance and tables on Sheet 2 of the land use plan specifically state the slope calculations and development regulations governing the proposed locations of buildings within the PUD. Therefore, based on the new revised slope information, the applicant proposes to update the tables on Sheet 2 of the land use plan and is now requesting variances from LDC Section 25-8-302(A)(1) and Section 25-8-302(B)(1) to allow for construction on slopes and from LDC Sections 25-8-341 and 25-8-342 for more than four feet of cut and fill. The applicant has stated that these variances will allow the buildings to be distanced from water quality transition zone and tucked into the hillside so that they are located further away from F.M. 2222 and less visible from the Hill County Roadway corridor.

Initially, the staff had believed that the property in question was subject to a 100-foot Hill Country Roadway vegetative buffer. However, after some research the staff has determined that the segment of F.M. 2222 from Riverplace Boulevard to Loop 360 was considered a 'parkway' by the Austin Metropolitan Area Transportation Plan (AMATP) in 1991 (this segment of F.M. 2222 was changed in the 1995 AMATP to a MAD 4 designation). The ordinance for the Canyon Ridge PUD states in Part 4 that the rules and regulations in effect in the 1981 Code of the City of Austin govern the property in this case. Section 13-2-781(D) of the 1981 Land Development Code states that, "Development on tracts abutting a Hill Country Roadway in segments designated in the Roadway Plan as 'parkway' is exempt from Section 13-7-66(B) (the 100-foot vegetative buffer requirement). Provided however, that on such tracts a minimum 25 foot natural or landscaped buffer shall be provided with no buildings located closer than 50 feet to the proposed right-of-way of the Hill Country Roadway." As a benefit to the proposed PUD amendment, the applicant has offered to provide a 100-foot vegetative buffer zone along F.M. 2222 in order to comply with the intent of the Hill Country Roadway ordinance. The applicant is willing restore this area to a moderate restoration level, per Section 2.7.0 of the Environmental Criteria Manual and will incorporate multiple design elements, including stone veneer, colored concrete, raised flowerbeds and a design standards to reduce visual impact of the height of the water quality pond walls at the front of the site by meandering the pond walls facing F.M. 2222.

During deliberations on this case, the staff suggested that it would be a benefit to this request for the applicant to provide linkages to the existing residential neighborhood (Jester Estates Neighborhood Association) to the north and to the proposed residential uses on Lots 1, 6, 7 and 8 of the PUD. The applicant met with Butch Smith, from the City of Austin Parks and Recreation Department, and he stated that the land abutting Lots 2, 3, and 4 to the northwest (Lot 5-Area 1, Lot 5-Area 2, and Lots 5-Area 3) was mitigated to the Balcones Conservation Preserve (BCP) and then dedicated to the City of Austin for parkland dedication in 1991. Mr. Smith stated that the Parks and Recreation Department did not have an issue with the developer proposing to allow a nature trail to connect the condominium project currently under development on Lots 6, 7, and 8 of the PUD. However, the agent for the case spoke to Mr. Willy Conrad at the BCP and he indicated that this area is a prime habitat land for golden cheek warbler and that the BCP did not want the public to be allowed to traverse the area. The applicant is working with the Jester

Estates Homeowner's Association and has agreed to fund the construction of sidewalks along the eastern side of Jester Boulevard to provide pedestrian access to the commercial and office uses fronting F.M. 2222.

The staff recommends the request to amend the Canyon Ridge PUD with conditions because the proposed amendment will allow the applicant to develop a mixture of uses on Lots 2, 3, and 4 of the property that will provide additional services to the surrounding residential areas. The applicant has offered numerous amenities to justify the variances/waivers requested in this application. The proposed amendment to the Canyon Ridge PUD will benefit the development because the applicant has offered to provide the following conditions that will reduce the overall impervious cover on the site: a 2-level parking structure containing approximately 270 parking spaces, a 1:275 parking ratio and to incorporate shared parking agreement, a restriction to allow a maximum of 2.9617 acres of development rights from Lot-5 Area 1, and to utilize 40% pervious pavers on all internal sidewalks. The applicant will also implement an IPM program, provide a rainwater collection system for landscaping irrigation, implement superior erosion controls during construction, utilize amenities such as 5-foot sidewalks along the main-street with 6-inch caliper trees to be planted every 30 feet on center with attractive lighting spaces at a maximum of 50 feet apart, and provide dedicated picnic and seating areas around all office buildings developed on Lots 2, 3, and 4.

The staff also recommends the applicant's request for a waiver to LDC Sec. 25-2-1124 (Hill Country Roadway Corridor Building Height) with the condition that a maximum height of 34 feet will be allowed on Lots 2, 3, or 4 in areas where there is an approved cut on the upslope side of a building. The staff believes that allowing the applicant to request 6 feet in additional height only in areas where there is a cut for a building well on the site will create a terracing effect for the buildings on the property. The buildings will therefore be nestled into the hillside and this will reduce the visibility of the structures from the Hill County Roadway corridor/F.M. 2222.

Even though it has been determined that the applicant is only subject to a 25-foot natural/landscape buffer along F.M. 2222, the applicant has stated that they will comply with the intent of the Hill Country Roadway Corridor and propose to re-vegetate a 100-foot area from F.M. 2222 to a moderate restoration level (per ECM Section 2.7.0). The applicant has also worked with the staff and the surrounding neighborhoods to lessen the appearance of the proposed water quality pond along F.M. 2222 by offering to incorporate multiple design elements, including stone veneer, colored concrete, raised flowerbeds and a design standards to reduce visual impact of the height of the water quality pond walls at the front of the site by meandering the pond walls facing F.M. 2222.

The applicant agrees with the staff recommendation for this case.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	PUD	Undeveloped
<i>North</i>	PUD, SF-2	Undeveloped Area, Single-Family Residences
<i>South</i>	County	Undeveloped Tracts
<i>East</i>	SF-2, SF-1, LR, GR-CO	Single-Family Residences, Retail Center (with Restaurants, Commercial Sales, and Office uses)
<i>West</i>	NO, County	Single Family Residences, Undeveloped Tracts

AREA STUDY: N/A

TIA: N/A

WATERSHED: West Bull Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

HILL COUNTRY ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

- 98 – Lakewood Homeowners Association
- 157 – Courtyard Homeowners Association
- 184 – Bull Creek Homeowners Association
- 475 – Bull Creek Foundation
- 426 – River Place Residential Community Association, Inc.
- 434 – Lake Austin Business Owners
- 439 – Concerned Citizens for P & B of FM 2222
- 448 – Canyon Creek Homeowners Association
- 608 – Jester Homeowners Association, Inc.
- 742 – Austin Independent School District
- 965 – Old Spicewood Springs Road Neighborhood Association

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-03-0128	SF-2 to LO	10/14/03: Approved LO-CO with 'NO' development regulations, 2,000 vtpd limit, 35 foot building setback from south property line where it abuts a residential property, 6 foot high fence along south property line, 28 feet maximum height for structures (limit of 1-story), prohibit Art and Craft Studio (Limited), Communications Services, Convalescent Services, and Cultural Services uses	11/20/03: Approved ZAP rec. of LO-CO (6-0); all 3 readings 6/24/04: Approved Amending Ordinance 031120-Z17 to correct zoning conditions
C14-99-0133	LR to GR	9/14/99: Approved staff rec. of GR-CO; prohibiting Auto Rentals, Auto Sales, Auto Washing, Business or Trade School, Business Support Services, Commercial-Off Street Parking, Communications Services, Community Recreation (Private), Community Recreation (Public), Congregate Living, Drop-Off Recycling Collection Facility,	Approved PC rec. of GR-CO (5-0, WL/ JG-absent); all 3 readings

		Exterminating Services, Funeral Services, General Retail Sales (General), Hotel-Motel, Hospital Services (Limited & General), Indoor Entertainment, Indoor Sports and Recreation, Medical Offices-greater than 5,000 sq. ft., Outdoor Entertainment, Outdoor Sports and Recreation, Personal Improvement Services, Pawn Shop Services, Residential Treatment, Research Services, Restaurant (Drive-In, Fast Food), Theater; by consent (9-0)	
C14-99-0076	Tract 1B: DR to MF-2, Tract 1C: SF-2 to GR, Tract 1D: SF-2 to GO	8/31/99: Approved Tract 1B: MF-1-CO w/ SF-6 site development regulations and 40 foot height limit; Tract 1C & 1D: Staff rec. of GR-MU-CO and reduce vehicle trips set out in TIA by 12.5%	12/2/99: Approved w/conditions Tract 1B: MF-1; Tract 1C: LR-CO; Tract 1D: LO-CO (6-0, WL-absent)
C14-98-0161	Tract 1A: DR to SF-2	8/31/99: Approved SF-2-CO for Tract 1A (8-0)	12/2/99: Approved SF-2-CO subject to neighborhood proposal, ingress/egress to need to be clarified as there is no ingress from Winterberry Drive as mentioned in prior version of proposal (6-0); 1 st reading 1/13/00: Approved SF-2-CO as granted on 1 st reading (7-0); 2 nd /3 rd readings
C14-97-0162	Tract 1: LR to CS Tract 2: LR to GR Tract 3: LR to GR	1/13/98: Approved staff alternate rec. of GR w/conditions (9-0): Permit Restaurant (General) use and LR uses, permit Dry Cleaning and LR uses on Tract 1, prohibit Auto Rentals, Auto Sales, Auto Washing, Business or Trade School, Business Support Services, Commercial-Off Street Parking, Communications Services, Community Recreation (Public & Private), Congregate Living, Drop-Off	2/5/98: Approved PC rec. of GR-CO (5-0); 1 st reading only 2/26/98: Approved GR-CO (7-0); 2 nd /3 rd readings

		Recycling Collection Facility, Exterminating Services, Funeral Services, General Retail Sales (General), Hotel-Motel, Hospital Services (Limited & General), Indoor Entertainment, Indoor Sports and Recreation, Medical Offices-greater than 5,000 sq. ft., Outdoor Entertainment, Outdoor Sports and Recreation, Personal Improvement Services, Pawn Shop Services, Research Services, Restaurant (Drive-In, Fast Food), Restaurant (General)- Tract 1 only, Residential Treatment, and Theater	
C14-95-0135	DR to SF-1	10/24/95: Approved staff rec. of SF-1 (7-1)	11/30/95: Approved SF-1 (6-0); all 3 readings
C814-89-0006	LR, SF-2 to PUD	5/28/91: Forwarded to CC with no recommendation	6/6/91: Approved PUD subject to conditions (5-1); 1 st reading 11/14/91: Approved PUD (6-0); 2 nd /3 rd readings
C814-89-0006.01	PUD to PUD (Amendment for office for Tracts 2, 3, and 4 – Applicant requested a variance to LDC Sec. 25-2-1124 to exceed 28 feet in height in HCR)	1/23/01: Postponed to 1/30/01 by the applicant (8-0)	1/30/01: Pulled, No Action – Case Expired
C814-89-0006.02	PUD to PUD	10/7/03: Administrative amendment approved by staff	

RELATED CASES: C814-89-0006

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION	SIDEWALKS	CAPITAL METRO	BICYCLE ROUTE
RM 2222	Varies	Varies	Arterial	No	No	Yes
Jester Boulevard	110'	Varies	Collector	No	No	Yes

CASE MANAGER: Sherri Sirwaitis

PHONE: 974-3057
sherri.sirwaitis@ci.austin.tx.us

CITY COUNCIL DATE: April 20, 2006

ACTION: Postponed to May 18, 2006 at the applicant's request by consent (6-0, D. Thomas-off the dais)

May 18, 2006

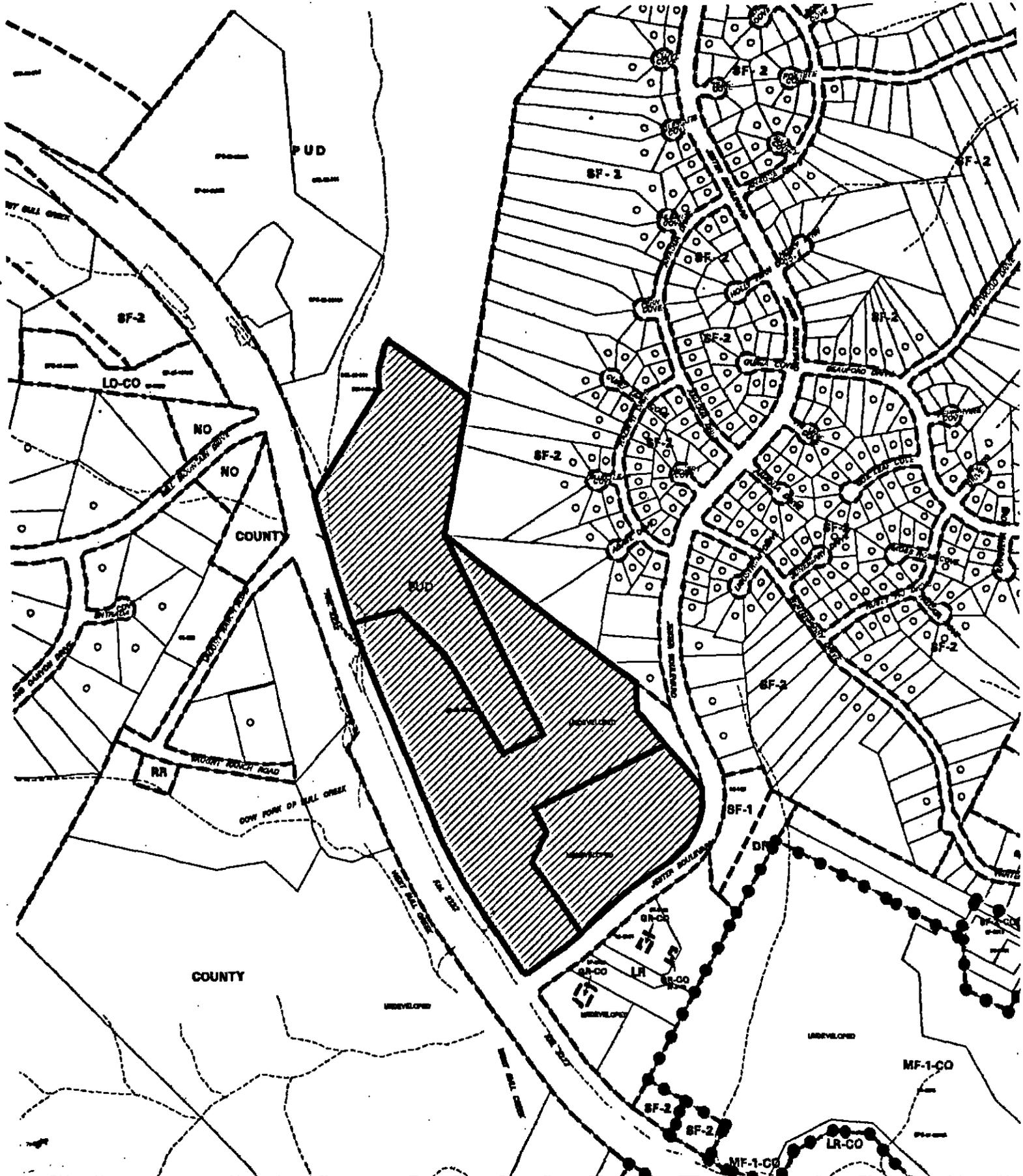
ACTION:

ORDINANCE READINGS: 1st

2nd

3rd

ORDINANCE NUMBER:



SUBJECT TRACT 
 PENDING CASE 
 ZONING BOUNDARY 
 CASE MGR: B.SIRWAITIS

PLANNED UNIT DEVELOPMENT

CASE #: C814-89-0006.03

ADDRESS: 7300 F M 2222 RD AT

JESTER BLVD
 SUBJECT AREA (acres): 56.950

DATE: 05-10

INTLS: SM

CITY GRID
 REFERENCE
 NUMBER

F31

600'

COUNTY



STAFF RECOMMENDATION

The staff recommends approval of the proposed amendment to the Canyon Ridge PUD with the following conditions:

1. The applicant shall construct a 2-level parking garage that holds approximately 270 cars within Lots 2, 3, or 4 of the PUD. This will result in an additional reduction of impervious cover of 0.68 acres.
2. The applicant shall add a note #28 on the Land Use Plan that reads "Lots 2, 3, and 4 are hereby restricted to allow a maximum of 2.9617 acres of development rights from Lot 5 Area 1."
3. The applicant will implement an IPM program for development within the PUD.
4. The applicant shall provide a rainwater collection system for landscaping irrigation.
5. There will be structural containment of all unstable cuts.
6. The applicant will provide an individual knowledgeable in erosion control and tree protection to conduct daily inspections of the site during site development. This person will be responsible for maintaining a daily log to be kept on site and accessible to the city environmental inspector. The applicant will also utilize superior erosion controls, including multiple layers of silt fencing.
7. The applicant shall utilize 40% pervious pavers on all internal sidewalks for the development. (These sidewalks are included in the impervious cover calculations).
8. Section 25-2-1124 (Building Height) of the Land Development Code shall be modified to allow a maximum height of 34 feet, provided that any height in excess of 28 feet is allowed only if measured from an approved cut on the upslope side of a building.
9. The applicant will be required to screen all drive through lanes from F.M. 2222 (Hill Country Roadway Corridor).
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11. The applicant will provide a 100-foot vegetative buffer zone along F.M. 2222 in order to comply with the intent of the Hill Country Roadway ordinance. The applicant is will restore this area to a moderate restoration level, per. Section 2.7.0 of the Environmental Criteria Manual and will incorporate multiple design elements, including stone veneer, colored concrete, raised flowerbeds and a design standards to reduce visual impact of the height of the water quality pond walls by meandering the pond walls facing F.M. 2222.
12. The applicant will provide the following alternative landscaping compliance for development on Lots 2, 3, and 4 of the PUD:
 - * All required shade trees across the site will be a 4-foot caliper minimum.
 - * The plant palette will only consist of native plant material.
 - * The applicant will exceed all screening requirements by 50%.

BASIS FOR RECOMMENDATION

1. *The Planned Unit Development District (PUD) is intended for large or complex developments under unified control planned as a single contiguous project. The PUD is intended to allow single or multi-use projects within its boundaries and provide greater flexibility for development proposed within the PUD.*

The proposed amendment to the Canyon Ridge PUD will provide benefits to the overall PUD that could not be accomplished through standard zoning because the applicant has offered to provide the following conditions that will reduce the overall impervious cover on the site: a

1-story parking structure holding approximately 270 vehicles, a 1:275 parking ratio, to incorporate shared parking agreement, a restriction of 2.9617 acres of development rights from Lot 5 Area 1, and to utilize 40% pervious pavers on all internal sidewalks. The applicant will also implement an IPM program, provide a rainwater collection system for landscaping irrigation, implement superior erosion controls during construction, utilize amenities such as 5-foot sidewalks along the main-street with 6-inch caliper trees to be planted every 30 feet on center with attractive lighting spaces at a maximum of 50 feet apart, and create dedicated picnic and seating areas around all office buildings developed on Lots 2, 3, and 4. In addition, the applicant will provide alternative landscaping compliance for development on Lots 2, 3, and 4 of the PUD and will comply with the intent of the Hill Country Roadway Corridor by re-vegetating a 100-foot area from F.M. 2222 to a moderate restoration level (per ECM Section 2.7.0).

2. *Use of a PUD District should result in development superior to that which would occur using conventional zoning and subdivision regulations. PUD zoning is appropriate if the PUD enhances preservation of the natural environment; encourages high quality development and innovative design; and ensures adequate public facilities and services for development within the PUD.*

The proposed amendment #3 to the Canyon Ridge PUD will result in a superior development than that which could have occurred using conventional zoning. The proposed PUD will allow the applicant to develop a mixture of uses on Lots 2, 3, and 4 of the property that will provide additional services to the residential areas within an adjacent to the PUD.

In this amendment, the applicant will be reducing the overall impervious cover within the Hill Country Roadway corridor by 2.05 acres and by giving up development rights to an additional 4.6517 acres out of Lot 5-Area 1. The request will allow the applicant to locate building footprints further away from the Water Quality Transition Zone (WQTZ) and to reduce the amount of impervious cover within the WQTZ by approximately 2.6807 acres.

The proposed variances/waivers requested in this amendment will allow development on the Lots 2, 3, and 4 of the PUD to be terraced on the property. Therefore, buildings on the site shall be nestled into the hillside reducing the visibility of the structures from the Hill County Roadway corridor/F.M. 2222.

Even though it has been determined that the applicant is only subject to a 25-foot natural/landscape buffer along F.M. 2222, the applicant has offered to comply with the intent of the Hill Country Roadway Corridor and proposes to re-vegetate a 100-foot area from F.M. 2222 to a moderate restoration level (per ECM Section 2.7.0). The applicant has also worked with the staff and the surrounding neighborhoods to lessen the appearance of the proposed water quality pond along F.M. 2222 by offering to incorporate multiple design elements, including stone veneer, colored concrete, raised flowerbeds and a design standards to reduce visual impact of the height of the water quality pond walls at the front of the site by meandering the pond walls facing F.M. 2222.

Existing Land Use

The property in question is part of an existing PUD that consists of approximately 137.5503 acres of land located at the northwest intersection of F.M. 2222 and Jester Boulevard. The 81.5754 site under consideration (Lots 2, 3, and 4 of the PUD) is currently undeveloped. The property has

moderate tree coverage to the north, with the exception of a grassy disturbed area located at the southern corner near Jester Boulevard. The property slopes steeply to the east.

Impervious Cover

The applicant is proposing to construct three 2-story office buildings, a 2-story multi-use retail building, bank, restaurant, storm water facilities, structured and surface parking. The impervious cover allocations for each of the 3 lots are defined in the Land Use Plan approved with the PUD. Development allocations pertaining to Lot 4, Block A, correspond directly to the dedication of Lot (Area 1), Block A, of the Canyon Ridge Phase B Subdivision to the City of Austin as per the approved PUD. The applicant is requesting that all impervious cover calculations be evaluated on the basis of a comprehensive unified development.

Drainage Construction

The City enforces the Land Development Code and Criteria through policies based on the City's interpretation of the Code and Criteria. In the case of LDC 25-8-423, the City's policy is that sedimentation/filtration ponds (water quality facilities) are not allowed in the water quality transition zone. Variation from this policy is addressed on a site specific basis.

Environmental

The site slopes from northeast to the southwest toward RM 2222 and West Bull Creek. The stair-step topography typical of the Edwards Plateau characterizes much of the site, while flatter areas are observed closer to the creek.

Since West Bull Creek flows through the southwest corner of the property, this project is located in a Water Supply Suburban Watershed and in the Drinking Water Protection Zone. The property contains floodplain, but is not located over the Edwards Aquifer Recharge Zone. The site is currently undeveloped. Surrounding land use consists of undeveloped land, commercial, and single-family residential development.

Variances are still pending. Scheduled for EV Board 3/1/06. If passed by ZAP, please pay 3 variance fees and waiver fees. Comment will be cleared if passed by ZAP, and fees paid.

The applicant has agreed to 8 conditions. However, Condition #1(the parking garage) is still pending approval, as the engineer has not supplied new impervious cover calculations or construction on slopes totals. Comment still pending (Please see memo from Betty Lambright, Environmental Review Specialist Sr. with the Watershed Protection and Development Review Department – Attachment D).

The applicant has agreed to the conditions for staff support of alternative landscape compliance.

The applicant has provided sufficient information to determine that the 25' vegetative buffer is correct. Applicant is willing to provide a 100' vegetative buffer along RM 2222, with the only exception being that the water quality pond will be located within the 100' buffer, but outside the 25' buffer. The applicant will restore this area to a moderate level, and provide visual screening of the pond walls facing RM 2222.

In reference to the transfer of additional impervious cover, staff supports the request.

Parks and Recreation

No comments on the proposed PUD amendment request.

Transportation

TR staff has no objections to the proposed amendment.

A shared parking study has been submitted and will be reviewed along with the site plan application.

The loading and parking space request will be reviewed with the site plan application.

Information for Zoning and Platting Commission:

Staff has no objection to the proposed additional curb cut and revision to allow a full access curb cut onto Jester Boulevard. The driveway spacing and sight distance will be verified with the site plan.

The traffic impact analysis for this site was waived because this site is subject to the original TIA for the property. The proposed land uses are consistent with the TIA completed for the original PUD zoning request in 1990 and will result in a lower number of peak hour trips. The proposed uses will generate approximately 10,882 unadjusted trips per day.

Existing Street Characteristics:

NAME	ROW	PAVEMENT	CLASSIFICATION	SIDEWALKS	CAPITAL METRO	BICYCLE ROUTE
RM 2222	Varies	Varies	Arterial	No	No	Yes
Jester Boulevard	110'	Varies	Collector	No	No	Yes

Water and Wastewater

No comments on the proposed amendment.

Water Quality

The City enforces the Land Development Code and Criteria through policies based on the City's interpretation of the Code and Criteria. In the case of LDC 25-8-423, the City's policy is that sedimentation/filtration ponds (water quality facilities) are not allowed in the water quality transition zone. Variation from this policy is addressed on a site specific basis.

Stormwater Detention

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program, if available.

Site Plan

COMPATIBILITY/SCREENING REQUIREMENTS:

- No structure may be built within 25' feet of the property line.

Note: According to the PUD Land Use Plan, the closest structure is 110 feet from property line.

- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.

Note: According to the PUD Land Use Plan, no structure is proposed within 50 feet of the property line that exceeds two stories of 30 feet, or 100 feet of the property line that exceeds three stories or 40 feet.

- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- A landscape area at least 25 feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

Additional design regulation will be enforced at the time a site plan is submitted.

HILL COUNTRY ROADWAY

This site is located within the Hill Country Roadway Corridor and therefore requires Commission review. Show on the site plan a line designating the Hill Country Roadway Corridor as the area within the City Limits and 1000 feet from the right-of-way of RM 2222. For Hill Country site development regulations, refer to Sections 25-2-1104 to 25-2-1105, 25-2-1021, also Environmental Criteria Manual 2.7.0.

The property is located within the low and moderate intensity zones of the Hill Country Roadway Corridor. The maximum Floor-to-Area Ratio on 0-15% slopes shall not exceed 25 in a Low/.30 in a Moderate/.35 in a High Intensity Zone, with a bonus requested in writing and approved by the Planning Commission. Hill Country Roadway Floor-to-Area Ratio Provisions shall not apply to Southwest Parkway. [Section 25-2-1122(B)(2)].

Section 25-2-1122 FLOOR TO-AREA RATIO OF A NONRESIDENTIAL BUILDING. (A)(2) in a moderate intensity zone:

- (a) .25 for a building on property with a slope gradient of 15 percent or less;
- (b) .10 for a building on property with a slope gradient of more than 15 percent, but not more than 25 percent; or
- (c) .05 for a building on property with a slope gradient of more than 25 percent, but not more than 35 percent.

Prior to the issuance of a building permit for the proposed use, a site plan must be approved by the Land Use Commission.

Prior to the issuance of a site plan for the proposed use, the proposed variances must be recommended by the Environmental Board; cut and fill, construction on slopes and development of ponds within the Hill Country Roadway and approved by ZAPCO, and the amendment to the PUD Land Use plan must be approved by the Zoning and Platting Commission and City Council.

ARMBRUST & BROWN, L.L.P.
ATTORNEYS AND COUNSELORS

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(512) 435-2310
RSUTTLE@ABAUSTIN.COM

March 2, 2006

Joe Pantalione
Director, Watershed Protection
and Review Department
505 Barton Springs Road
Austin, Texas 78704

Re: Canyon Ridge Phase "B" PUD Amendment - C814-89-0006.03

Dear Mr. Pantalione:

This firm represents and I am writing this letter to you on behalf of the applicant in the above referenced zoning case. The following information is being provided to introduce the project and provide justification for the revised development regulations. Attached Exhibit 1 is a proposed site layout for the Canyon Ridge project. A chart comparing the approved PUD to the proposed PUD amendments is also included in Exhibit 2 for your review.

INTRODUCTION

The site is located at the intersection of Jester Boulevard and FM 2222. The original PUD includes approximately 137.5503 acres of land, as shown in Exhibit 3, of the approved Canyon Ridge PUD Land Use Plan. This project includes approximately 57 acres of land out of the 137.5503 acre PUD. Of the 57 acres, approximately 28 acres are currently dedicated to the Balcones Conservation Preserve, as shown in Exhibit 3, leaving approximately 29 acres, of which 13.8 acres will be developed. This site will consist of three office buildings, one mixed-use retail center, one restaurant pad site, and a drive through bank totaling 222,000 square feet of development.

WAIVER #1 HEIGHT - 28 FEET TO 34 FEET

We are requesting that the PUD be amended to allow a maximum overall height of 34 feet. The additional height would allow two-story structures, which were approved in the original PUD, and would provide visual aesthetics to screen mechanical equipment from homeowners in the area. By slightly increasing the height, the project would have a universally consistent height and feel throughout the entire development.

Please note, all of the office buildings are cut into the hillside and the surrounding terrain is excavated away from the buildings on the backside creating a terracing effect, as shown on Exhibit 4. This will allow natural light to enter the first floor office space. If the proposed grade ran to the backside of the buildings, two things would happen: 1) There would be no cut and fill in excess of 18 feet, and 2) the office buildings would not need a height variance.

Under Section 25-2-1105 of the Code, such a height increase could be justified as a waiver and the Land Use Commission may approve the waiver if the following are met:

- (1) an undue hardship on a development because of the location, topography, or peculiar configuration of the tract; or
- (2) a proposed development incorporates the use of highly innovative architectural, site planning, or land use technique; and
- (3) if the waiver is approved, a proposed development will equal or exceed a development that is in compliance with this article in terms of:
 - (a) environmental protection;
 - (b) aesthetic enhancement;
 - (c) land use compatibility; and
 - (d) traffic considerations.

Undue Hardship – Section 25-2-1105(A)(1)

The Hill Country Roadway provision imposes an undue hardship on the development due to the topography and peculiar configuration of the tract. The topography of the site includes 70 foot elevation changes. This site has little 0-15% slope category with the majority of the flatter areas observed closer to the creek within the water quality transition zone. Our goal is to reduce the amount of impervious cover within the water quality transition zone. However, by doing so we have pushed the development further into the hillside. This site also has a peculiar configuration, which consists of a long and narrow tract limiting the development area.

Based on these issues, this site has an undue hardship, as outlined in Section 25-2-1105(A)(1)

Innovative Architectural, Site Planning, or Land Use Design – Section 25-2-1105(A)(2)

The purpose of this project is to create a unique, pedestrian friendly, mixed-use project that will provide amenities for the users of the property and nearby neighborhoods. The project proposes to combine complementary uses of office and retail in a Town Center concept. All of the buildings are proposed in close proximity to the Main Street and at the same elevation. Each building is located to specifically retain many natural trees, including five large oak trees on the site. The site will also incorporate several amenity areas for the office tenants, including picnic

table areas. One goal of the project is to capture traffic onsite with the mix of office, retail, and restaurant uses. This will help reduce the amount of traffic onto FM 2222. A shared parking study was completed for the project, which shows that a parking ratio of 1:275 can be used to reduce code required parking.

Champion Partners, the developer of this project, is dedicated to innovative architectural, site planning, and land use design for this project. For example, their Addison Circle development, located in Addison, Texas, won the following awards:

1. 2004 Finalist, Best Site Plan Urban, Pillars of the Industry Awards, National Association of Homebuilders
2. 2002 The Congress for the New Urbanism Charter Award "the district"
3. 2001 The Associated Landscape Contractors of America Award
4. 1998 The International City/County Management Association Public/Private Partnership Award
5. 1997 The Local Government Commission Ahwahnee Award for best master planned community
6. 1996 The Dallas Chapter of the American Institute of Architects Merit Award

Based on past award winning projects, an innovative site plan that already has been approved by the Canyon Ridge PUD Association Architectural Control Committee, a copy of the support letter is attached for your review in Exhibit 5, this project will serve as an excellent example for subsequent development, as outlined in Section 25-2-1105(A)(2).

Criteria for Approval – Section 25-2-1105(A)(3)

This project also equals or exceeds a development that is in compliance with this article in terms of:

1. Environmental Protection:
 - a. Restoring the Hill Country Roadway Buffer Zone to a moderate restoration level, per Section 2.7.0 of the Environmental Criteria Manual;
 - b. Implementing an IPM program;
 - c. Rainwater collection for reirrigation;
 - d. Utilizing 40% pervious pavers on all internal sidewalks;
 - e. Providing individual knowledge in erosion control and tree protection to conduct daily inspections of the site during site development and
 - f. Utilizing multiple layers of silt fencing and compost bails;

2. Aesthetic Enhancement:

- a. All buildings will be cut into the hillside minimizing the visual effect along 2222
- b. The buildings will be constructed of masonry materials such as stone, brick or stucco. All roofs shall be of gray or earth tone colors.
- c. This site will incorporate a two-level parking garage, reducing the overall surface parking.
- d. Minimum 5' sidewalks along the main-street with 6" caliper trees planted every 30 feet on center with attractive lighting spaces at a maximum of 50'.

3. Land Use Compatibility:

- a. The original PUD allowed for 243,000 square feet of development, the current site layout calls for 222,000 square feet. The overall reduction of development will reduce the amount of impervious cover and the impact on the surrounding creek and within the watershed. The site will consist of a commercial mixed use development that is in high demand for the area.

4. Traffic Considerations:

- a. By doing this type of commercial mixed use development, the project can utilize a 1:275 parking ratio and incorporate shared parking which will reduce the amount of parking spaces by 202 spaces.
- b. The mixed use development will also reduce the adjusted trips by 1,237 per day.

Given the examples described above, the project complies with Section 25-2-1105(A)(3).

In addition to complying with Section 25-2-1105, this site also complies with Section 25-2-1129, Criteria for Approval of a Development Bonus. Outlined below is justification of this compliance:

- (1) an unusual circumstance exists, as defined in Subsection (C); and
- (2) the proposed development as constructed will comply with at least 50% of the criteria identified in Section 25-2-1129 of the Code.

Unusual Circumstances for Development Bonus – Section 25-2-1128(C)(1)

The Hill Country Roadway provision imposes an undue hardship on the development due to the topography and peculiar configuration of the tract. The topography of the site includes 70 foot elevation changes. This site has little 0-15% slope category with the majority of the flatter areas observed closer to the creek within the water quality transition zone. Our goal is to reduce the amount of impervious cover within the water quality transition zone. However, by

doing so we have pushed the development further into the hillside. This site also has a peculiar configuration, which consists of a long and narrow tract, limiting the development area.

Based on these issues, this site has an undue hardship, as outlined in Section 25-2-1128(C)(1).

Innovative Architectural, Site Planning, or Land Use Design – Section 25-2-1128(C)(2)

The purpose of this project is to create a unique, pedestrian friendly, mixed-use project that will provide amenities for the users of the property and nearby neighborhoods. The project proposes to combine complementary uses of office and retail in a Town Center concept. All of the buildings are proposed in close proximity to the Main Street and at the same elevation. Each building is located to specifically retain many natural trees, including five large oak trees on the site. The site will also incorporate several amenity areas for the office tenants, including picnic table areas. One goal of the project is to capture traffic onsite with the mix of office, retail, and restaurant uses. This will help reduce the amount of traffic onto FM 2222. A shared parking study was completed for the project, which shows that a parking ratio of 1:275 can be used to reduce code required parking.

Criteria for Approval of a Development Bonus – Section 25-2-1129

This project also complies with at least 50 percent of the twelve criteria listed in Section 25-2-1129. The following list provides the criteria from the Land Development Code, which are proposed as part of this development. Also included is a description of how each of those criteria will be met within the project.

1. Increasing landscaping by more than 50 percent. This site is subject to a 25 foot vegetative buffer along 2222. However, we are proposing to increase the setback from 25 feet to 100 feet. In addition this area will be restored to a moderate restoration level, per Section 2.7.0 of the Environmental Criteria Manual. Also, Champion Partners is currently working with the adjacent homeowners to incorporate the remaining 15 acres into a greenbelt.
2. Reducing building mass by breaking up buildings. Instead of creating large mass buildings, the developer has chosen to construct three smaller office buildings, one mixed-use restaurant/retail building, one pad site, and one drive through bank. This site will consist of six smaller, separate buildings.
3. Using pervious pavers. The development will utilize 40% pervious pavers on all internal sidewalks. The sidewalks are included in the impervious cover calculations.
4. Using pitched roof design features. All buildings shall have pitched roof design features that will allow the mechanical equipment to be screened from the surrounding neighborhoods.
5. Including the construction of regional drainage facility. The detention pond located on this site will not only function as a detention basin for this

development, but will serve the 102 unit condominium project located upstream on Lot 6 of the Canyon Ridge Phase "B" development.

6. Using an energy-conserving or a water-conserving device that reduces energy or water consumption below City requirements. The developer proposes to utilize a rain water collection system for the project.

Given the examples described above, the project will comply with over 50 percent of the criteria listed in Section 25-2-1129.

Due to the topography and the peculiar configuration of the tract, the desire to tuck the buildings into the hillside and the project complying with Section 25-2-1105 and Section 25-2-1128, we respectfully request approval of the PUD amendment to allow up to 34 feet of height within the low intensity zone of the Hill Country Roadway Corridor.

VARIANCES

Below is a list of the development regulation amendments requested. Justification for each of the amendments follows.

Variances #1 and #2 for Cut and Fill

Variances from Sections 25-8-341 and 25-8-342 are being requested to allow more than four feet of cut and fill. Justification for these variances are described as follows:

1. When the original PUD was approved in 1991, the technology for determining the type and severity of slope was not as accurate as it is today. Therefore, all slope maps and calculations were determined by hand. Currently, a computer can quickly and accurately determine the precise location of slopes in excess of 15%. Lots 2, 3 and 4 were approved with 243,000 square feet of development, while there are elevation changes of more than 70 feet on the property. If the original slope maps completed by hand in 1991 had been used to design this site, the amount of cut and fill requiring a variance would be significantly reduced.
2. The cut and fill variance would allow the buildings to be located further away from the WQTZ, which would reduce the amount of impervious cover within the WQTZ by approximately 2.6807 acres. However, by pulling the development out of the WQTZ it pushes the buildings further into the hillside.
3. The majority of the cut area is located adjacent to the buildings. According to the Land Development Code, a variance is not needed for a structural cuts. However, since the developer is proposing to cut into the hillside and the surrounding terrain will be excavated away from the buildings thus creating a terracing effect, a cut variance is required.
4. The cut and fill variance would allow the buildings to be less visible from FM 2222 and the adjacent residential neighbors. This would improve the aesthetics along FM 2222, since they are located further away from FM 2222.

5. The cut and fill variance would allow the buildings to be located closer together to allow for a more pedestrian-oriented project.
6. The largest cut is located along the northern corner of office building one. The cut is required to save the Two large Live Oak trees and tuck the building further into the hillside, which would allow the building to be constructed closer and at the same elevation as the Main-Street. This would provide more of a pedestrian oriented feel. Again as mentioned above, a terracing affect will be utilized. This will allow natural sunlight into the bottom office unit.
7. The largest fill is located along the southern portion of the drive-in bank building. The location of the bank is in one of the lowest points on the site, nearest to the detention pond. The fill is needed to allow for enough queuing space around the drive-through area. Other locations were considered for the bank site. However, it is considered better design to locate the bank nearest the driveways at Jester Boulevard and FM 2222, since it would limit vehicular traffic for the bank from entering the remainder of the property.

Variances #3 and #4 for Construction on Slopes

In order to allow for greater construction on slopes, the following two variances, are also being requested, all slope categories have been identified on Exhibit 6.

A variance from Section 25-8-302(A)(1) is being requested to allow construction on slopes that have a gradient of more than 25 percent. This project is requesting approval to construct 0.15 acres on slopes 25-35 percent and 0.03 acres on slopes greater than 35 percent.

A variance from Section 25-8-302(B)(1) is being requested to allow more than 10 percent impervious cover on slopes with gradients between 15-25 percent. This project is requesting approval to construct 0.34 acres (or 1.27 percent) more than the 10 percent allowed in the Land Development Code.

Justification for the two above mentioned variances, which require Land Use Commission approval, are described as follows:

1. As mentioned above, this project constitutes an unusual circumstance, since the topography of the site includes 70 foot elevation changes. In addition, the topography maps completed with the original PUD in 1991 were done by hand. For this reason, there are discrepancies between the original topography maps when compared to the computer generated slope studies that are being used to design this development. If the original slope maps completed by hand in 1991 had been used to design this site, the amount of land requiring variances would be significantly reduced.
2. The buildings can be located further away from FM 2222 and the Water Quality Transition Zone (WQTZ).
3. The buildings will be less visible from FM 2222, by cutting into the Hillside.

4. Construction within the WQTZ will be reduced by approximately 2.6807 acres.
5. The amount of overall impervious cover will be reduced by approximately 2.05 acres.
6. The buildings will be located closer together to allow for a more pedestrian-oriented project.

Every effort has been made to comply with the Hill County Roadway requirements.

Waiver #2 for Water Quality Ponds Within the WQTZ in a Water Supply Suburban Watershed

A waiver from Section 25-8-423(C) of the LDC is being requested to allow the construction of a water quality pond within the water quality transition zone of a Water Supply Suburban Watershed. The basis for the variance is described as follows:

1. The WQTZ's are located at the lowest points on the property. It is better practice to locate the water quality pond at this location to allow the natural flow of rainwater run-off to drain into the pond.
2. There has been precedence at the City to allow a detention pond within a WQTZ. Based on research performed at the Development Assistance Center, it has been determined that site plan SP-95-0208D, revised with site plan SP-04-0605B, approved a detention pond and three water quality ponds within the WQTZ. Therefore, this project is not asking more than what had been previously permitted to occur in the area. A copy of the approved site plan is attached for your review.
3. It is logical to locate the water quality pond next to the detention pond. By placing the water quality pond next to the existing detention pond, it would alleviate the need for a booster pump between the two ponds.
4. By locating the water quality pond within the WQTZ and not within the uplands zone, it would be possible to reduce the amount of impervious cover in the WQTZ by 2.6807 acres.

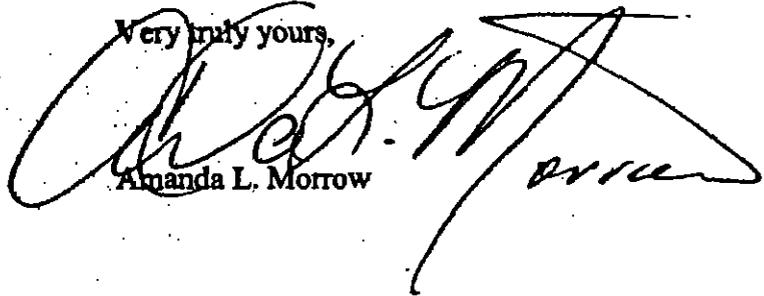
Attached in Exhibit 7 is a summary of project improvements and item's agreed to with the adjoining neighborhood associations. I respectfully request your review of the material provided and your recommendation of the proposed development regulations.

ARMBRUST & BROWN, L.L.P.

Page 9

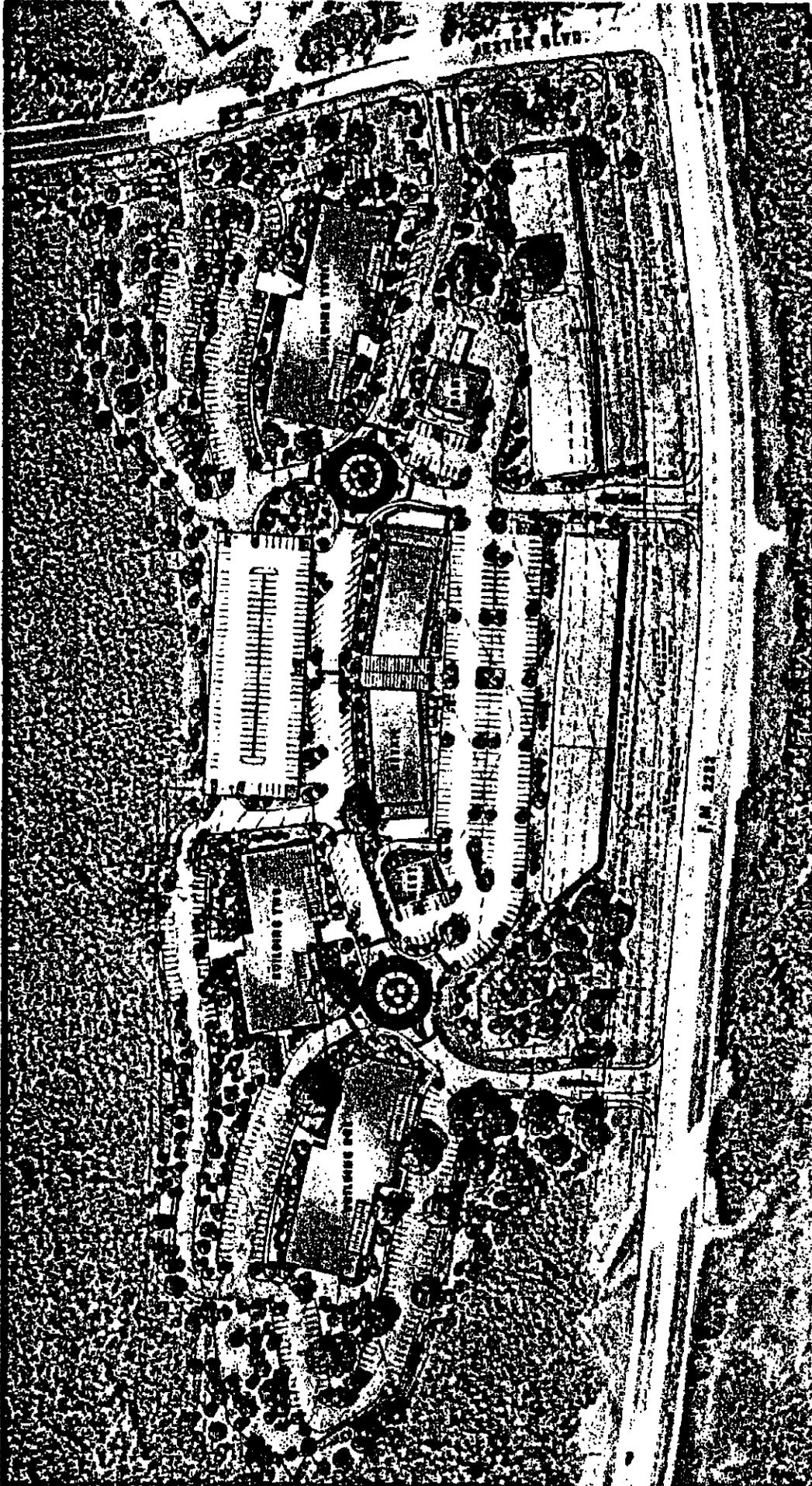
The proposed variances, waivers and PUD amendments included in this project will create a development that is superior to the original PUD. Should you have any questions or comments, please do not hesitate to contact me.

Very truly yours,

A large, stylized handwritten signature in black ink, appearing to read 'Amanda L. Morrow', is written over the typed name. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Amanda L. Morrow

Enclosures

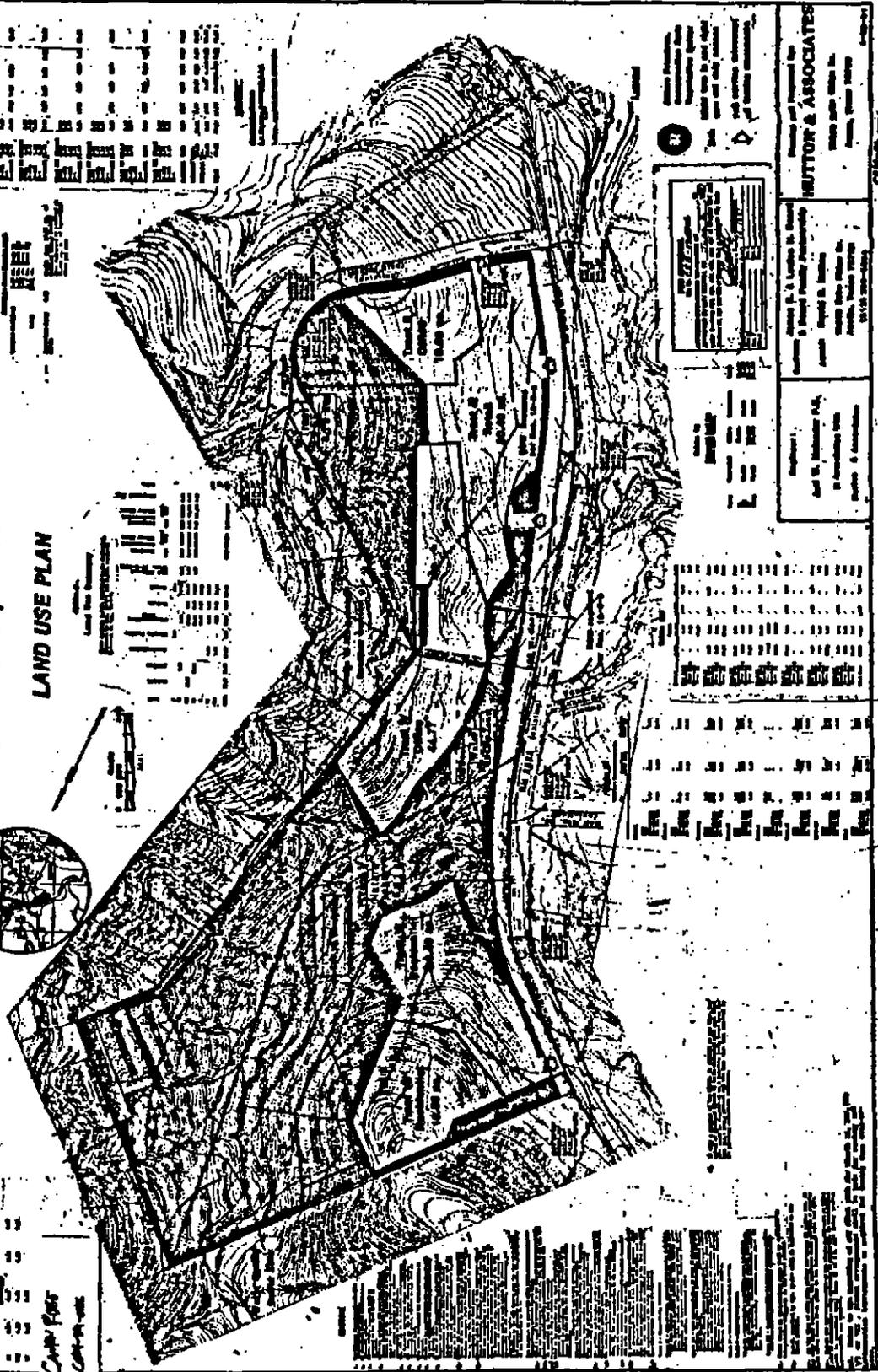


LADERA BEND
Champion Partners

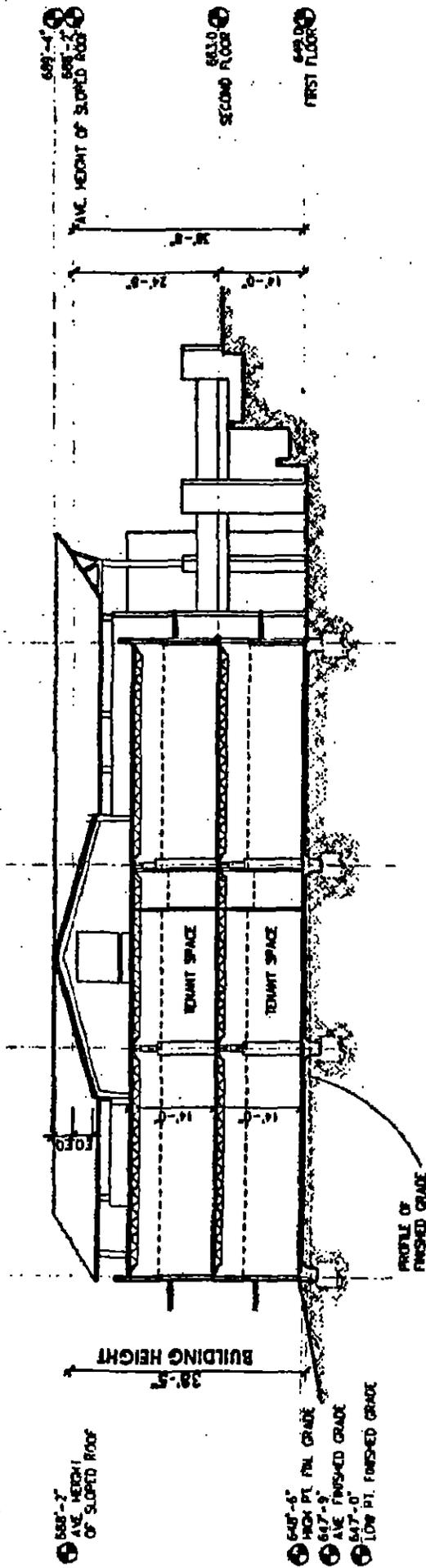
III

Canyon Ridge Phase B, P.U.D.

LAND USE PLAN



HUTTON & ASSOCIATES
 Planning and Engineering Firm
 10000 North Loop West
 Suite 1000
 Houston, Texas 77040
 Phone: 281-486-1100
 Fax: 281-486-1101
 Website: www.hutton.com



66'-2" HIGH PT. FIN. GRADE
AVE. HEIGHT OF SLOPED ROOF

64'-0" HIGH PT. FIN. GRADE
64'-0" AVE. FINISHED GRADE
64'-0" LOW PT. FINISHED GRADE

	BUILDING HEIGHT CALCULATION METHOD 1	BUILDING HEIGHT CALCULATION METHOD 2
OFFICE BUILDING 1 (BUILDING HEIGHT = 38'-2")	(1) 28'-0" (P.U.D. HEIGHT LIMIT) x 1.36 (30% INCREASE) = 38'-2" BUILDING HEIGHT	32'-2" PERMITTED HEIGHT + 6'-0" (ADDITIONAL HEIGHT) = 38'-2" BUILDING HEIGHT
OFFICE BUILDING 2 (BUILDING HEIGHT = 38'-2")	(1) 28'-0" (P.U.D. HEIGHT LIMIT) x 1.36 (30% INCREASE) = 38'-2" BUILDING HEIGHT	32'-2" PERMITTED HEIGHT + 6'-0" (ADDITIONAL HEIGHT) = 38'-2" BUILDING HEIGHT
OFFICE BUILDING 3 (BUILDING HEIGHT = 38'-5") (ILLUSTRATED ABOVE)	(1) 28'-0" (P.U.D. HEIGHT LIMIT) x 1.37 (37% INCREASE) = 38'-5" BUILDING HEIGHT	32'-2" PERMITTED HEIGHT + 6'-3" (ADDITIONAL HEIGHT) = 38'-5" BUILDING HEIGHT

PERMITTED HEIGHT CALCULATION FOR ALL BUILDINGS

(1) 28'-0" (P.U.D. HEIGHT LIMIT)
x 1.15 (PER LDC 23-2-23(C))
= 32'-2" PERMITTED HEIGHT

OFFICE - FINISHED GRADE
OFFICE SECTION (BUILDING 3 SHOWN)



LADERA
BUILDING SECTIONS

PRELIMINARY
NOT FOR CONSTRUCTION

CHAMPION PA
SUSAN TROJAN GS

**Canyon Ridge Phase B, P.U.D.
Architectural Control Committee**

**Sherri Sirwaitis
Neighborhood Planning & Zoning Department
505 Barton Springs Road
Austin, Texas 78704**

Re: Canyon Ridge Phase "B" PUD Amendment; C814-89-006.03

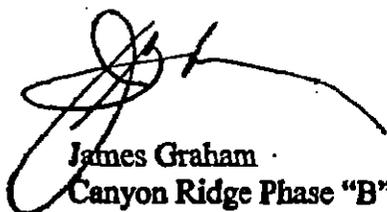
Dear Ms. Sirwaitis:

As members of the Architectural Control Committee that was formed when the original Canyon Ridge Phase "B" PUD was approved, we have reviewed and approved the proposed preliminary site layout. Based on our review of the plan, we support the surface parking layout as proposed since it will create a much more pedestrian friendly main-street concept, along with the unique architectural design. In addition, we support the height increase, because it will allow two story structures as the original agreement called for and at the same time provide the visual aesthetics needed to cover the mechanical equipment from view from the home owners above.

The Architectural Control Committee supports the Canyon Ridge Phase "B" PUD amendment, along with its proposed variances.

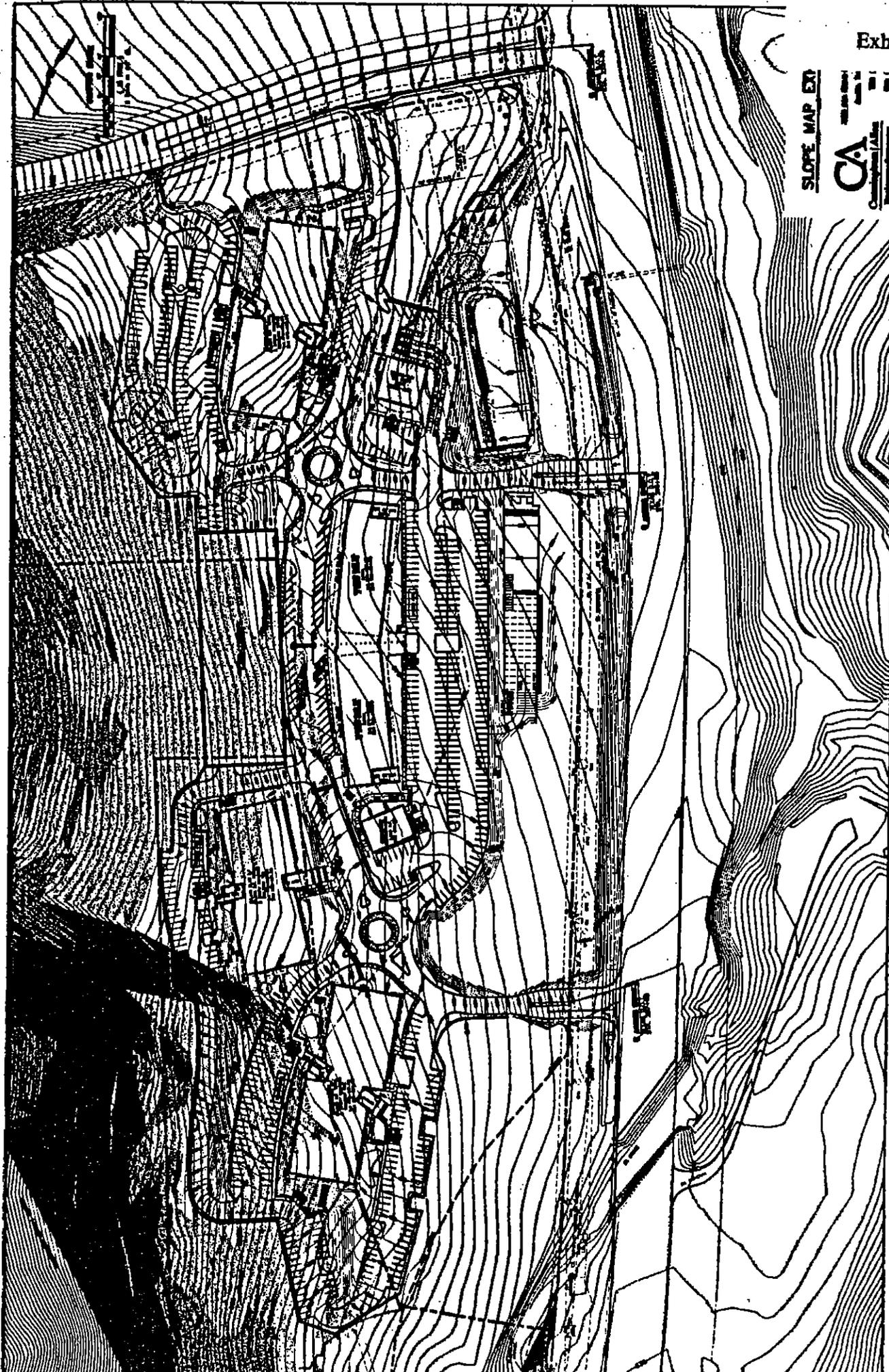
Should you have any questions, please do not hesitate to contact me.

With highest regards,



**James Graham
Canyon Ridge Phase "B" Architectural Committee**

SLOPE MAP EXT



OVERALL PROJECT IMPROVEMENTS:

1. Reducing the amount of overall impervious cover by 2.05 acres
2. Reducing the impervious cover in the WQTZ by 2.6807 acres
3. Increasing the amount of impervious cover in the uplands by .6275 acres
4. Reducing the amount of building coverage by 21,000 square feet
5. Reducing the FAR by .48 acres
6. Reducing traffic by 1,237 adjusted trips per day
7. Reducing parking by 202 spaces
8. Adding a note to the Land Use Plan that restricts lots 2, 3 and 4 to 2.9617 acres of transfer of development rights
9. Implement an IPM plan
10. Provide rainwater collection for irrigation
11. Structural containment of all unstable cuts
12. 2 level parking garage
13. Provide an individual knowledgeable in erosion control and tree protection to conduct daily inspection of the site during site development.
14. Utilize triple silt fence and compost bail
15. Utilize 40% pervious pavers on all internal sidewalks
16. Restore the Hill Country Buffer Zone to a moderate restoration level per 2.7.0 of the Environmental Criteria Manuel
17. Proposing 5 foot sidewalks along the main-street with 6" caliper trees planted every 30 feet on center with attractive lighting spaced at a maximum of 50' feet apart..

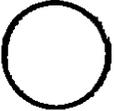
ITEMS AGREED TO WITH SURROUNDING NEIGHBORHOOD ASSOCIATIONS:

1. **Irrigation System** – Champion Partners has agreed to construct, maintain and supply a water connection for the landscaping around the monument sign located at Jester and 2222.
2. **Fast Food Restaurant** – Add a provision to the existing restrictive covenant that will prohibit certain types of fast food establishments for the drive through restaurant. Any restaurants located within the development will adhere to the architectural style of the overall development.
3. **Conservation Easement/dedication** – Champion Partners is developing far less than half of the 57 acres that they are purchasing, thus a large amount of acres will remain undisturbed. They have no plans to disturb this land and will commit to convey this land as part of a conservation easement/greenbelt with the Jester and/or CONA Association as beneficiaries, so no development can ever take place on the land in question.

4. **Sidewalk or trail system linking Jester Estates** – Champion Partners has inspected the area immediately adjacent to Jester Boulevard, and have spoken with our civil engineers numerous times on the steep slopes. They are extremely concerned about building a sidewalk on such a steep grade, but we are pursuing ways to do this. One thought would be to coordinate with the land owner on the opposite side of Jester Boulevard, where the existing sidewalk ends to complete the connection to Jester Estates.
5. **Restaurant music levels** - Champion Partners agrees to add a provision within the restrictive covenant that will prohibit outdoor music after a certain time and limit the outdoor music to a certain decibel level, as restricted within the Land Development Code.
6. **Rainwater Capture** – Champion Partners will utilize rainwater collection system.
7. **Building Rooftops** - All mechanical equipment will be screened using pitched roofs and all roofing material will be earth toned so that the view from above will be appealing. Considerable care has been taken to minimize the visual impacts of the roofs from the surrounding neighbors and from 2222.
8. **Warning light on Jester Boulevard** - Champion Partners has agreed to install a solar powered, blinking warning/traffic light, up the hill on our property. We will commit to include this as part of the site plan stage and will consult with Dale and Pate on the type of light and location, when the appropriate time arises.
9. **Landscaping along Jester Boulevard** – Champion Partners intends to incorporate any design elements that the neighborhood group desires to incorporate into the landscape buffer off of Jester Boulevard.
10. **Plant Rescue** - Any trees or plants that are not designed to be incorporated into the project can be relocated.
11. **Light Pollution/Shielded lights** – Use light shields and special bulbs to avoid and minimize any light pollution.
12. **Garbage and delivery service restrictions** – Limit trash pick ups to no earlier than 7 am and no later than 7 pm, spaced no greater than 4 days apart.
13. **Construction Staging** – Agreed to include in the general contractor's contract that all construction traffic, and specifically concrete trucks, be restricted to an agreed upon route into and out of the project, this will help minimize traffic onto Jester and avoid any dangerous situations. All trucks will have a wash off area on site and will not track mud and debris onto the roads. This will be a condition of the GC's contract.
14. **Deceleration Lane Along 2222** – Construction of a deceleration lane located between the two driveway's along 2222.

CANYON RIDGE PHASE 2, P.L.D.
 R.L. 2222
 LAND USE PLAN

C.A. Consulting/Architects
 1000 10th Street, S.W.
 Atlanta, Georgia 30334
 Tel. 404-525-1100
 Fax 404-525-1101



NO.	DESCRIPTION	AREA	PERCENT	REMARKS
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NO.	DESCRIPTION	AREA	PERCENT	REMARKS



The following table shows the results of the soil sampling and analysis conducted for the proposed development. The table includes the location of each sample, the depth of the sample, and the results of the analysis. The results are presented in terms of the percentage of sand, silt, and clay in the soil.

The soil sampling was conducted in accordance with the procedures set forth in the Standard Methods for the Examination of Water and Wastewater, 18th Edition, published by the American Public Health Association. The results of the analysis are presented in the following table.

The soil sampling was conducted on the following dates:

- Sample 1: 10/15/00
- Sample 2: 10/15/00
- Sample 3: 10/15/00
- Sample 4: 10/15/00
- Sample 5: 10/15/00
- Sample 6: 10/15/00
- Sample 7: 10/15/00
- Sample 8: 10/15/00
- Sample 9: 10/15/00
- Sample 10: 10/15/00
- Sample 11: 10/15/00
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- Sample 47: 10/15/00
- Sample 48: 10/15/00
- Sample 49: 10/15/00
- Sample 50: 10/15/00

Sample No.	Location	Depth (ft)	Sand (%)	Silt (%)	Clay (%)
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ITEM FOR ENVIRONMENTAL BOARD AGENDA

**BOARD MEETING
DATE REQUESTED:**

March 1, 2006

**NAME & NUMBER
OF PROJECT:**

Canyon Ridge Phase "B" PUD Amendment
C814-89-0006.03

**NAME OF APPLICANT
OR ORGANIZATION:**

FM 2222 Jester LP
Richard Suttle (Agent), 435-2310

LOCATION:

7300 F M 2222

PROJECT FILING DATE:

09/29/2005

**WPDR/ENVIRONMENTAL
STAFF:**

Betty Lambright 974-2696
betty.lambright@ci.austin.tx.us

**WPDR/
CASE MANAGER:**

Sherri Sirwaitis, 974-3057
sherry.sirwaitis@ci.austin.tx.us

WATERSHED:

West Bull Creek (Water Supply Suburban)
Drinking Water Protection Zone

ORDINANCE:

Canyon Ridge PUD (Ordinance #911114-F)

REQUEST:

Amendment to PUD Ordinance that includes exceptions
(variances) from CWO (LDC Sections 25-8-341 and 342 for Cut/Fill
in excess of 4' and 25-8-302(A) and (B) for Construction on Slopes.

STAFF RECOMMENDATION: Not Recommended.



MEMORANDUM

TO: Betty Baker, Chairperson
Members of the Zoning and Platting Commission

FROM: Betty Lambright, Environmental Review Specialist Sr.
Watershed Protection and Development Review Department

DATE: March 1, 2006

SUBJECT: Canyon Ridge PUD Amendment/C814-89-0006.03

Description of Project Area

F M 2222 Jester LP is requesting an amendment to the existing Planned Unit Development (PUD) #911114-F. Phase B consists of 3 lots (Lots 2, 3, and 4) covering approximately 57 acres of land on the northwest corner of the intersection of RM 2222 and Jester Boulevard in the City of Austin's full purpose jurisdiction. Since West Bull Creek flows through the southwest corner of the property, this project is located in a Water Supply Suburban Watershed and in the Drinking Water Protection Zone. The property contains floodplain, but is not located over the Edwards Aquifer Recharge Zone. The site is currently undeveloped. Surrounding land use consists of undeveloped land, commercial, and single-family residential development.

The applicant is proposing to construct three 2-story office buildings, a 2-story multi-use retail building, bank, restaurant, storm water facilities, structured and surface parking. The impervious cover allocations for each of the 3 lots are defined in the Land Use Plan approved with the PUD. Development allocations pertaining to Lot 4, Block A, correspond directly to the dedication of Lot (Area 1), Block A, of the Canyon Ridge Phase B Subdivision to the City of Austin as per the approved PUD. The applicant is requesting that all impervious cover calculations be evaluated on the basis of a comprehensive unified development.

Existing Topography and Soil Characteristics

The site slopes from northeast to the southwest toward RM 2222 and West Bull Creek. The stair-step topography typical of the Edwards Plateau characterizes much of the site, while flatter areas are observed closer to the creek. The site ranges from approximately 612 to 826 feet above mean sea level.

The subject site is mapped within the Brackett-Purvis, Real association. The site is underlain by three soil types:

- Brackett soils and Rock outcrop, steep (BoF) consisting of limestone and marl,
- Volente complex, 1 –8% slopes (VoD) consisting of clay loam, and
- Brackett soils, rolling (BID) consisting of limestone and marl

Vegetation

The site vegetation is representative of the live oak-Ashe juniper woodlands region of the Edwards Plateau. The vegetation consists of woodlands with a low percentage of grassy openings, with the exception of an area near RM 2222 that was disturbed by grazing in the past. This area consists of grasses and mesquite trees.

Critical Environmental Features/Endangered Species

The City of Austin definition of a critical environmental feature (CEF) includes caves, sinkholes, springs, wetlands, bluffs, canyon rimrock, water wells, riparian woodlands, and significant recharge features. Two rimrock features as defined by COA were found on the property. The standard setback of 150' has been applied to each feature.

There is documented golden-cheeked warbler territory within 50' of the northwest corner of the property. The applicant has obtained a 10(a)(1)(B) permit from US Fish and Wildlife.

Requested Exceptions to the PUD Ordinance Requirements

The PUD Agreement is currently subject to current code environmental requirements (Chapter 25-8 of the Land Development Code). The exceptions requested by this PDA Amendment are to LDC 25-8-302 (A)(1) and (B)(1) for construction on slopes, and to LDC 25-8-341 and 342 for cut/fill in excess of 4 feet.

LDC Section 25-8-302(A)(1) states that a person may not construct a building or parking structure on a slope with a gradient of more than 25%. The applicant is requesting approval to construct 0.15 acres on slopes 25-35% and 0.03 acres on slopes greater than 35%.

LDC Section 25-8-302(B)(1) states that a person may construct a building or parking structure on a slope with a gradient of more than 15% and not more than 25% if the requirements of this subsection are met: Impervious cover on slopes with a gradient of more than 15% may not exceed 10% of the total area of the slopes. The applicant is requesting approval to construct 0.53 acres more than the 10% allowed in the LDC.

LDC Section 25-8-341 and 342 limit cut/fill for projects in all watersheds (other than urban watersheds) to 4 feet, with the following exceptions:

- In a roadway right-of-way (ROW),
- For the structural excavation of a building, and
- For utility construction or a wastewater drain field.
- All cuts/fills must be stabilized.

The applicant is requesting approval for cut up to 18' and fill up to 16'.

The applicant argues that the original slope maps (from 1991) were drawn by hand and created the perception of more developable areas in the 0-15% range, so the need for the exceptions were not considered during the crafting of the original PUD. However, staff contends that accepting that justification for the need of the proposed exceptions would trigger a review of the whole PUD with the new technology.

This is a summary of the proposed changes reviewed by staff:

- An overall reduction in impervious cover by 2.1 acres (15.9 acres allowed)
- A reduction of 2.6 acres impervious cover in the WQTZ (6.3 acres allowed)
- A reduction of 2.6 acres impervious cover on 0-15% slopes
- An increase of 0.35 acres impervious cover on 15-25% slopes
- An increase of 0.15 acres impervious cover on 25-35% slopes
- An increase of 0.03 acres impervious cover on 35%+ slopes
- An increase of cut from the allowed 4' up to 18'
- An increase of fill from the allowed 4' up to 16'

To summarize, the original PUD set aside nearly 55 acres of the total 138 acres as a nature preserve. In addition, the development was clustered to minimize further environmental impacts. The proposed PUD amendment provides additional benefits by an overall reduction in impervious cover, and a further reduction of allowed impervious cover in the Water Quality Transition Zone. This pushed the development toward the northern part of the site and resulted in a small encroachment (.53 acres) onto the steeper slopes, and the associated cut/fill increases.

At this time, staff agrees with the progress made by the applicant to address environmental issues surrounding the requested variances. The applicant has agreed to the following conditions for staff support of the variances:

1. Provide a parking garage that holds approximately 270 cars. This will result in an additional reduction of impervious cover of 0.68 acres.

2. Add note #28 on the Land Use Plan that reads "Lots 2, 3, and 4 are hereby restricted to 2.9617 acres of development rights from Lot 5 Area 1."
3. Implement an IPM program.
4. Provide a rainwater collection system for landscaping irrigation.
5. Structural containment of all unstable cuts.
6. Provide an individual knowledgeable in erosion control and tree protection to conduct daily inspections of the site during site development. This person will be responsible for maintaining a daily log to be kept on site and accessible to the city environmental inspector. Applicant will utilize superior erosion controls, including multiple layers of silt fencing.
7. Utilize 40% pervious pavers on all internal sidewalks. (These sidewalks are included in the impervious cover calculations).

The applicant is still working diligently with staff to resolve the remaining issue of building heights. Since one overall recommendation from City Staff is required, the PUD Amendment cannot be recommended at this time.

If you have any questions or need additional information, please feel free to contact me at 974-2696.



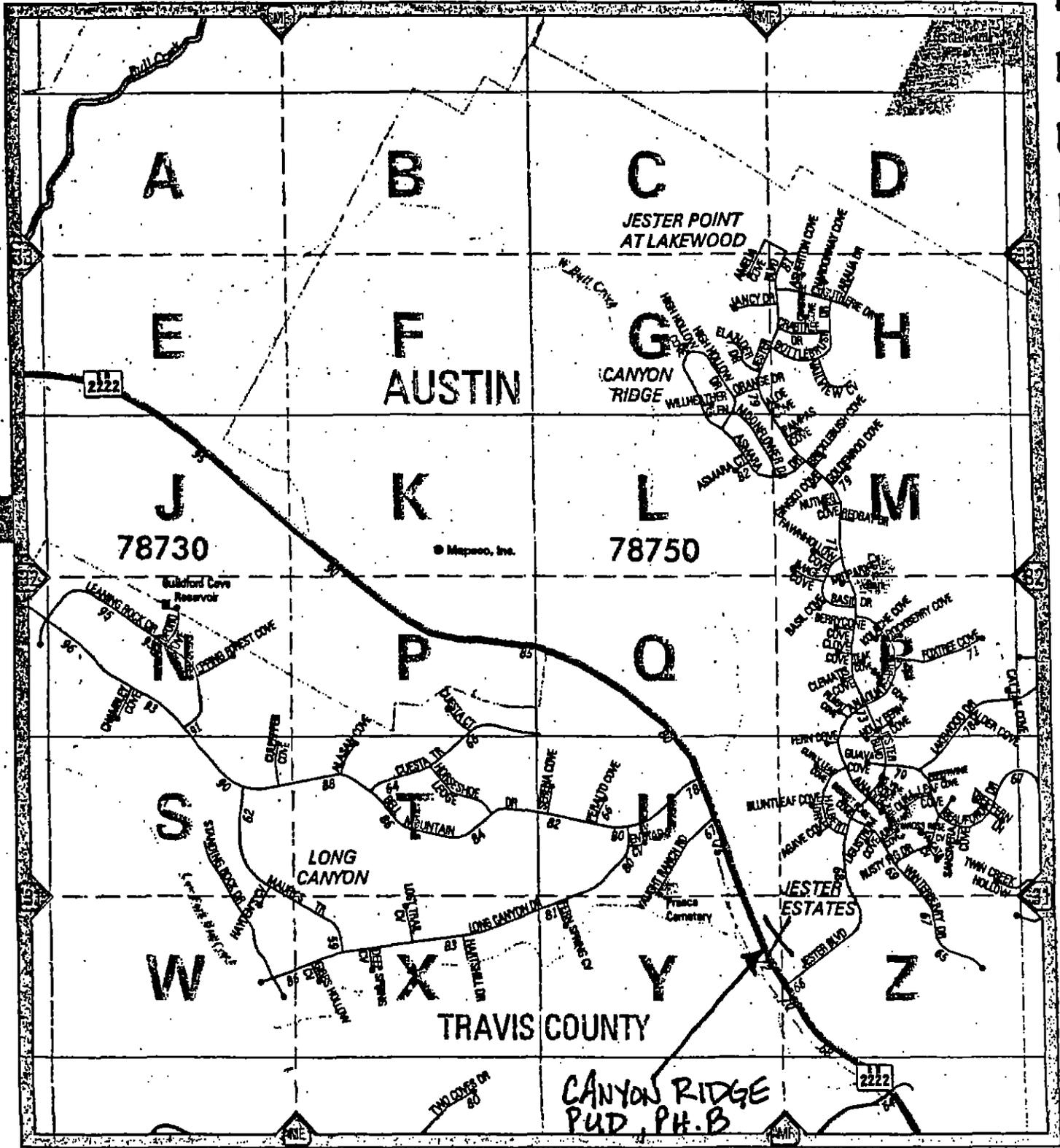
Betty Lambright, Environmental Review Specialist Sr.
Watershed Protection and Development Review

EV Officer: JPN

FROM CAPITAL OF TEXAS HIGHWAY, GO WEST ON RM 2222
TO THE INTERSECTION OF JESTER BLVD.



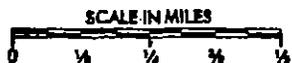
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**JESTER HOMEOWNERS ASSOCIATION, INC.
6901 JESTER BLVD.
AUSTIN, TEXAS 78750**

December 2, 2005

Sherri Sirwaitis
Neighborhood Planning & Zoning Department
505 Barton Springs Road
Austin, Texas 78704

Re: Canyon Ridge Phase 'B' PUD Amendment; C814-89-006.03

Dear Ms. Sirwaitis:

The Jester Homeowners Association, which represents the neighborhood adjacent to the Canyon Ridge site, has reviewed the proposed PUD amendments and site plan. We are strongly in favor of this project.

We support the height increase, since it will allow two-story structures and will provide the visual aesthetics needed to screen mechanical equipment from homeowners' view. In addition, we support the proposed surface parking layout, since a parking garage in this scenic setting would be an eyesore and would detract from the Town Center/Main Street concept. This type of mixed-use project will create a unique, pedestrian friendly environment that will provide amenities for the nearby neighborhoods and the community as a whole.

The Jester Homeowners Association supports the Canyon Ridge Phase 'B' PUD amendment and site plan, along with its proposed variances.

Should you have any questions, please do not hesitate to contact me.

Sincerely,



Philip Kolman, President
Jester Homeowners Association, Inc.

Canyon Ridge Phase B, P.U.D.

Architectural Control Committee

Sherri Sirwaitis
Neighborhood Planning & Zoning Department
505 Barton Springs Road
Austin, Texas 78704

Re: Canyon Ridge Phase "B" PUD Amendment; C814-89-006.03

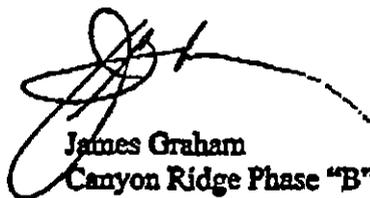
Dear Ms. Sirwaitis:

As members of the Architectural Control Committee that was formed when the original Canyon Ridge Phase "B" PUD was approved, we have reviewed and approved the proposed preliminary site layout. Based on our review of the plan, we support the surface parking layout as proposed since it will create a much more pedestrian friendly main-street concept, along with the unique architectural design. In addition, we support the height increase, because it will allow two story structures as the original agreement called for and at the same time provide the visual aesthetics needed to cover the mechanical equipment from view from the home owners above.

The Architectural Control Committee supports the Canyon Ridge Phase "B" PUD amendment, along with its proposed variances.

Should you have any questions, please do not hesitate to contact me.

With highest regards,



James Graham
Canyon Ridge Phase "B" Architectural Committee

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.ci.austin.tx.us/development

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C814-0006.03

Contact: Sherri Sirwaitis, (512) 974-3057

Public Hearing:

January 31, 2006 Zoning and Platting Commission

Tim Leeper for Terter Village LP
Your Name (please print)

6507 Terter Blvd.
Your address(es) affected by this application

[Signature]
Signature

1/27/06
Date

<input checked="" type="checkbox"/> I am in favor
<input type="checkbox"/> I object

Comments:

If you use this form to comment, it may be returned to:

City of Austin
Neighborhood Planning and Zoning Department
Sherri Sirwaitis
P. O. Box 1088
Austin, TX 78767-8810

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Case Number: C814-0006.03
Contact: Sherri Sirwaitis, (512) 974-3057
Public Hearing:
January 31, 2006 Zoning and Platting Commission

<input checked="" type="checkbox"/> I am in favor
<input type="checkbox"/> I object

Your Name (please print) Tip Beano for Demo Elementary

6507 Vester Blvd

Your address(es) affected by this application

[Signature]
Signature

1/24/06
Date

Comments:

If you use this form to comment, it may be returned to:

City of Austin
Neighborhood Planning and Zoning Department
Sherri Sirwaitis
P. O. Box 1088
Austin, TX 78767-8810

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Case Number: C814-0006.03
Contact: Sherri Sirwaitis, (512) 974-3057
Public Hearing:
January 31, 2006 Zoning and Platting Commission

<input checked="" type="checkbox"/> I am in favor
<input type="checkbox"/> I object

Don Prater
Your Name (please print)

7311 Halbert Drive
Your address(es) affected by this application

Don Prater
Signature

1/23/06
Date

Comments: We want/need more banks,
restaurants, convenience
stores, & dry cleaners in
our neighborhood.

If you use this form to comment, it may be returned to:

City of Austin
Neighborhood Planning and Zoning Department
Sherri Sirwaitis
P. O. Box 1088
Austin, TX 78767-8810

PUBLIC HEARING INFORMATION

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www.ci.austin.tx.us/development

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C814-0006.03

Contact: Sherri Sirwaitis, (512) 974-3057

Public Hearing:

January 31, 2006 Zoning and Platting Commission

Edward McGowan

Your Name (please print)

6900 ALCAVE COVE, AUSTIN TX 78750

Your address(es) affected by this application

EMG 1/30/06

Signature

Date

Comments:

WE ARE AGAINST ALL PROPOSED VARIANCE
AND AMENDMENTS TO THE CURRENT ZONING
IN PARTICULAR, WE ARE AGAINST ALLOWING
CONSTRUCTION ON LOTS AS SMALL AS
25 FEET OR ANY FURTHERING THE MAXIMUM
HEIGHT OF STRUCTURES FROM 25' TO 39'.

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

<input type="checkbox"/> I am in favor
<input checked="" type="checkbox"/> I object

PUBLIC HEARING INFORMATION

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However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

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Case Number: C814-0006.03
Contact: Sherri Sirvaitis, (512) 974-3057
Public Hearing:
January 31, 2006 Zoning and Platting Commission

<input type="checkbox"/> I am in favor
<input checked="" type="checkbox"/> I object

ROBERT L. STEVENSON
Your Name (please print)

BOY HARVEST DRIVE 78750

Your address(es) affected by this application

Robert L. Stevenson 1/21/06
Signature Date

Comments: I STRONGLY OPPOSE THE
REZONING OF THE PROPERTY VIA CASE NUMBER
NOTED ABOVE. RM 2222 CANNOT SUPPORT
THE TRAFFIC NOW, MUCH LESS WITH ADDITIONAL
RETAIL AND COMMERCIAL VENUES. ENVIRONMENTAL
ISSUES ARE A SECOND CONCERN ASSOCIATED WITH
THE GROWTH. FINALLY MY PROPERTY HAS
A BEAUTIFUL VIEW OF THE GREENBELT. I BELIEVE
THIS ADDITION WOULD HARM OR DEVALUE
MY PROPERTY.

If you use this form to comment, it may be returned to:

City of Austin
Neighborhood Planning and Zoning Department
Sherri Sirvaitis
P. O. Box 1088
Austin, TX 78767-8810

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Case Number: C814-0006.03

Contact: Sherri Sirwaitis, (512) 974-3057

Public Hearing:

January 31, 2006 Zoning and Platting Commission

MARK CLARY
Your Name (please print)

Bull Creek Homeowners Association

Your address(es) affected by this application

Mark Clary - 1-21-06
Signature Date

Comments: PUD Revisions Requested Are

Pushing this land use beyond what is appropriate for the topography and location of the property. Too much cut and fill, too much ground construction, too much impervious cover on slopes etc. These things and the rest are completely without regard to the proximity to Bull Creek and the watershed. VLE
Strongly object to this Re-zoning



If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

PUBLIC HEARING INFORMATION

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Case Number: C814-0006.03

Contact: Sherri Sirwaitis, (512) 974-3057

Public Hearing:

January 31, 2006 Zoning and Platting Commission

Your Name (please print):
Winston Kriger

1304 Bluntleaf Cove

Your address(es) affected by this application

Winston Kriger

Signature

Date

1/27/2005

Comments: Requested variances will further degrade the ecosystem in the Jester Area and West Bull Creek watershed. Any changes should be designed to increase protection of the ecosystem. Not add to the degradation currently being implemented in this fragile environment. Please vote NO.

Thanks, Winston Kriger

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

I am in favor
 I object

PUBLIC HEARING INFORMATION

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Case Number: C814-0006.03
Contact: Sherri Sirwaitis, (512) 974-3057
Public Hearing:
January 31, 2006 Zoning and Platting Commission



BOB RICHARDSON
Your Name (please print)

6903 AGENE COVE
Your address(es) affected by this application

1.23.06
Date

[Signature]
Signature

Comments:

If you use this form to comment, it may be returned to:
City of Austin
Neighborhood Planning and Zoning Department
Sherri Sirwaitis
P. O. Box 1088
Austin, TX 78767-8810

Sirwaitis, Sherrl

From: Lambricht, Betty
Sent: Wednesday, February 01, 2006 3:28 PM
To: Sirwaitis, Sherrl
Cc: Murphy, Pat; Torres, Betty
Subject: FW: Please deny the Canyon Ridge application for variances - Agenda Item B2, 2/1/06

-----Original Message-----

From: Peter Torgrimson [mailto:petertorgrimson@prodigy.net]
Sent: Wednesday, February 01, 2006 3:26 PM
To: David Anderson; Phil Moncada; Rodney Ahart; Karin Ascot; William Foster Curra; John Dupnik; Amer Gilani; Julie Jenkins; Mary Gay Maxwell
Cc: Lambricht, Betty
Subject: Please deny the Canyon Ridge application for variances - Agenda Item B2, 2/1/06

Honorable Environmental Board Chairman and Board Members,

2222 CONA requests that you deny or postpone for 30 days hearing the application for variances for the Canyon Ridge PUD.

We have been in discussions with the developer for several months and several issues affecting the environment still are unresolved, including:

1. The number of driveways from RM 2222.
2. The possible use of structured parking.
3. The number of parking spaces to be provided.

We have an effective working relationship with the developer, and believe significant progress can be made in the requested 30 days.

2222 CONA represents homeowner associations in the RM 2222 corridor, including Jester, Long Canyon and River Place which are the closest neighborhoods to this development.

Thank you,

Peter Torgrimson
2222 CONA Board Member
Long Canyon Phase II Homeowners Association

Sirwattis, Sherri

From: Peter Torgrimson [petertorgrimson@prodigy.net]
Sent: Tuesday, March 21, 2006 4:41 PM
To: Betty Baker; Melissa Hawthorne; Jay A. Gohl; Clarke Hammond; Janis Pinnelli; Keith Jackson; Joseph Martinez; Teresa Rabago; Stephanie Hale
Cc: Sirwattis, Sherri
Subject: Please Deny Canyon Ridge PUD Amendment 3/21/2006 Agenda Item 8 Case C814-89-0006.03

Honorable Chairwoman and Commissioners,

Please deny the Canyon Ridge PUD Amendment, agenda item 8, at the March 21, 2006 Zoning and Platting Commission hearing.

2222 CONA, an association of neighborhoods along the RM 2222 Corridor, has been working with the developer for the last several months on this development.

The proposed development is a major change from the original PUD. The developer wants the largest development possible and the neighborhoods have been continually evaluating elements of the development and trading off desirable and undesirable factors. In these last weeks we have been negotiating elements important to the neighborhoods and these negotiations have finally broken down at approximately 4:00 pm today.

Given this situation, our only course of action at this point is to oppose the entire development. Please deny this amendment.

respectfully,

Peter Torgrimson
2222 CONA
Long Canyon Homeowners Association
6104 Maury's Trail
Austin, TX 78730
512-338-4722

Sirwaitis, Sherri

From: Carol Torgrimson [ctorgrimson@prodigy.net]
Sent: Tuesday, March 21, 2006 5:06 PM
To: Betty Baker; Melissa Hawthorne; Jay A. Gohl; Clarke Hammond; Janis Pinnelli; Keith Jackson; Joseph Martinez; Teresa Rabago; Stephanie Hale
Cc: Sirwaitis, Sherri
Subject: Please Deny Canyon Ridge PUD Amendment 3/21/2006 Agenda Item 8 Case C814-89-0006.03

Honorable Commissioners,

Please deny the Canyon Ridge PUD Amendment, agenda item 8, at the March 21, 2006 Zoning and Platting Commission hearing.

After hundreds of hours of (unpaid) work by our neighborhood representatives, it has become painfully clear that the developer is not interested in attempting to reach any compromise with us. They have received many concessions from us and in return have been completely uncooperative in response to our concerns. Final attempts on our part to reach agreement broke down at 4 pm today.

This leaves us no choice but to oppose the development in its entirety.
Please deny this amendment.

Respectfully,

Carol Torgrimson
6104 Maury's Trail
Austin, TX 78730

4/7/2006

Sirwaitis, Sherri

From: James L. Machin [jlmachin@rjbc.com]

Sent: Tuesday, March 21, 2006 5:08 PM

To: Sirwaitis, Sherri; info@swhconsulting.com; trabago@austin.rr.com; josephmartinez@yahoo.com; kbjackson@pbsj.com; Pinnelli@flash.net; chammond1@austin.rr.com; jay@jaygohilrealty.com; apsinc@bga.com; bbaker@austintexas.org

Subject: Please Deny Canyon Ridge PUD Amendment 3/21/2006 Agenda Item 8 Case C814-89-0006.03

Zoning & Platting Commissioners,

Years ago, when this development was originally platted, Long Canyon representatives worked extensively with the developers to come up with a detailed plan that was acceptable to all parties. That plan was filed as the plat. To change that now would fly in the face of all the work and agreements that were worked out.

The developer has apparently broken off negotiations with the neighborhoods. That shows bad faith.

Please deny this Amendment.

Respectfully,

James L. Machin
8409 Bell Mountain Drive
Austin, TX 78730 (Long Canyon)

Sirwaitis, Sherri

From: Scott Norwood [scott@scottnorwood.com]
Sent: Tuesday, March 21, 2006 5:30 PM
To: 'Betty Baker'; 'Melissa Hawthorne'; 'Jay A. Gohl'; 'Clarke Hammond'; 'Janis Pinnell'; 'Keith Jackson'; 'Joseph Martinez'; 'Teresa Rabago'; 'Stephanie Hale'
Cc: Sirwaitis, Sherri
Subject: Please Deny Canyon Ridge PUD Amendment 3/21/2006 Agenda Item 8 Case C814-89-0006.03

Honorable Commissioners,

Please deny the Canyon Ridge PUD Amendment, agenda item 8, at the March 21, 2006 Zoning and Platting Commission hearing.

The neighborhoods have worked with the developer for months. It has become more clear, with breakdown of negotiations today, that the developer is not interested in any accommodation to neighborhood interests.

Thus, I am opposed to the entire development. Please deny this amendment.

Respectfully,

Scott Norwood
Board Member, Long Canyon Phase II/III Homeowners' Association
9408 Bell Mountain Drive
Austin, TX 78730

Sirwaitis, Sherri

From: james grant [jcgustin@msn.com]

Sent: Tuesday, March 21, 2006 5:56 PM

To: Betty Baker; Melissa Hawthorne; Jay A. Gohl; Clarke Hammond; Janis Pinnelli; Keith Jackson; Joseph Martinez; Teresa Fabago; Stephanie Hale

Cc: Sirwaitis, Sherri

Subject: Please Deny Canyon Ridge PUD Amendment 3/21/2006 Agenda Item 8 Case C814-89-0006.03

Please deny the Canyon Ridge PUD Amendment, agenda Item 8, at the March 21, 2006 Zoning and Platting Commission hearing.

The neighborhoods have worked with the developer for months. It has become more clear, with breakdown of negotiations today, that the developer is not interested in any accommodation to neighborhood interests.

Thus, I am opposed to the entire development. Please deny this amendment

Thank you,

**Jim & Carolyn Grant
6303 Fern Spring Cove
Austin, Texas 78730
512-794-5848
Long Canyon**

Sirwaitls, Sherrl

From: BERKELAUS@aol.com
Sent: Tuesday, March 21, 2006 6:27 PM
To: bbaker@austintexas.org; apslnc@bga.com; jay@jaygohilrealty.com; chammond1@austin.rr.com; Pinnelli@flash.net; kbjackson@pbsj.com; josephmartinez@yahoo.com; trabago@austin.rr.com
Cc: Sirwaitls, Sherrl; Charles.Farmer@radlanenergy.com
Subject: Please Deny Canyon Ridge PUD Amendment 3/21/2006 Agenda Item 8

Honorable Commissioners,

As a MUD Director and HOA Director in River Place, I would ask that you deny the Canyon Ridge PUD Amendment, agenda item 8, at the March 21, 2006 Zoning and Platting Commission hearing.

Various HOA's have worked with the developer for months. It is now clear, with breakdown of negotiations today, that the developer is not interested in any accommodation to legitimate neighborhood interests.

Consequently, I would strongly request that you deny this amendment.

Respectfully,

Joe Berkel
Director, River Place MUD
Director, River Place HOA
5303 River Place Blvd
Austin, TX 78730

**JESTER HOMEOWNERS ASSOCIATION, INC.
P. O. BOX 202101
AUSTIN, TX 78720**

March 31, 2006

**Sherri Sirwaitis
Neighborhood Planning Department
City of Austin
One Texas Center
505 Barton Springs Rd.
Austin, TX 78704**

Rezoning: C814-89-0006.03 - Canyon Ridge PUD Amendment #3

Dear Ms. Sirwaitis:

Several months ago and much earlier in the process of consideration of the proposed development at Jester Blvd. and RM2222, we sent you a letter supporting the development. That support was based largely on the general information we had been provided by the developer.

We now have much more detailed information about the proposed development and the many variances being requested by the developer. We have met many times with the developer in an effort to reach agreement about many issues. While we have had some success, it appears we are currently at an impasse concerning a number of issues of great concern to the Jester neighborhood. We cannot accept the developers proposals regarding noise restrictions, drive thru provisions, restaurant restrictions and other items of great concern to our neighborhood.

Also, if we had known at the beginning what we know now, we would not have sent our December 2005 letter of support. Among other things, we did not know the PUD drawings were based on inaccurate topographical maps or that the traffic analysis was 17 years old.

Therefore, the Jester Homeowners Association, Inc. withdraws its support for the Canyon Ridge Development at this time. We do however, support continued

negotiations with this developer to improve the proposed project.

Sincerely,

A handwritten signature in black ink, appearing to read "Philip Kolman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Philip Kolman

President

Jester Homeowners Association, Inc.

May 3, 2006

Ms. Sherri Sirwaitis
Watershed Protection and Review Department
505 Barton Springs Road
Austin, TX 78704

Re: Canyon Ridge Phase "B" PUD Amendment – C814-89-0006.03

Dear Ms. Sirwaitis:

On behalf of 2222 Coalition of Neighborhood Associations, Inc. (2222 CONA), I am writing to you regarding certain representations which have been made by the developer's agent, Armbrust & Brown, L.L.P. in their letter (The Letter) dated March 2, 2006 from the office of Richard T. Suttle and signed by Amanda L. Morrow. The Letter appears in the backup material for the April 20, 2006 City Council meeting.

Page 8 of The Letter references Exhibit 7 which contains "a summary of project improvements and item's agreed to with the adjoining neighborhood associations."

The referenced Exhibit 7 contains a list of items which the developer has discussed with 2222 CONA. No formal agreement has been made concerning any of the items in this list. Contrary to claims made in The Letter, there is significant disagreement regarding several of these items. These disagreements have prevented formal agreement on any of the issues. Negotiations have been stalled and we currently are attempting to re-establish negotiations with the developer.

In several places, Exhibit 7 refers to changes to the existing restrictive covenant for this PUD, and changes to this existing restrictive covenant have been proposed by the developer as an appropriate document for formal agreement of items desired by 2222 CONA. However, any provisions which would be added to the restrictive covenant could be nullified by a variance procedure controlled by the owner representatives on the Canyon Ridge Phase "B" PUD Architectural Control Committee (ACC) which controls the restrictive covenant. Thus any provisions in the restrictive covenant which appear to be to the benefit of the neighborhood associations provide no actual benefit to the neighborhood associations because they can be nullified by variance at any time without agreement of the neighborhood associations' representative on the ACC.

Any formal agreement between the property owners and the neighborhood associations must be in an independent restrictive covenant not under the control of the property owners.

In several of the items in the list, the letter claims that there is agreement with 2222 CONA where there actually is disagreement. Specifics of these items appear below:

- **Item 2: Fast Food Restaurant** – There is no agreement concerning restrictions on fast food restaurants. 2222 CONA desires restrictions on fast food restaurants but the developer is unwilling to formalize any restrictions, contrary to previous commitments to such restrictions. 2222 CONA opposes inclusion of any drive through facilities for any food service establishments, including coffee shops, in this development.
- **Item 5: Restaurant music levels** – our understanding is that, after a few iterations, we have verbal agreement with the developer to prohibit outdoor music speakers. However, as is the case with all items in the list, there is not a formal agreement to this effect.

Several items of discussion were left off the list of Exhibit 7. These are discussed below:

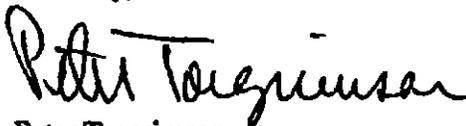
- **Hours of Operation** – The original restrictive covenant limited hours of operation to be from 7 AM to 11 PM. The developer proposed that the coffee shop be allowed to have hours limited to be from 6 AM to 11 PM. In the last iteration, 2222 CONA agreed to this change provided that the hours for all other establishments remain at 7 AM to 11 PM. There is not a formal agreement to this effect.
- **Prohibited Uses** – The original restrictive covenant contained a list of prohibited uses. 2222 CONA proposed some additions to this list and the developer agreed. There is not a formal agreement to this effect.

Please put this letter into the case file for this rezoning application.

I hope this clarifies our position on these issues.

If you have any questions or comments, please contact me.

Sincerely,



Peter Torgrimson
2222 CONA
Long Canyon Homeowners Association
6104 Maury's Trail
Austin, TX 78730
512-338-4722

PETITION

Case Number: **C814-89-0006.01** Date: Apr. 20, 2006

Total Area within 200' of subject tract: (sq. ft.) 1,642,893.00

1	<u>01-4513-0531</u>	<u>WASMUTH ROBERT E & ALINA RAMOS</u>	<u>3,494.90</u>	<u>0.21%</u>
2	<u>01-4513-0603</u>	<u>HATCH KURT & JAMI</u>	<u>14,977.77</u>	<u>0.91%</u>
3	<u>01-4513-0605</u>	<u>OWEN CHARLES LANE & DANIELE</u>	<u>41,266.59</u>	<u>2.51%</u>
4	<u>01-4513-0617</u>	<u>PAULOS JOHN JAMES & SUSAN K</u>	<u>63,755.10</u>	<u>3.88%</u>
5	<u>01-4515-0101</u>	<u>KRIGER WINSTON A & RUTH M</u>	<u>20,829.44</u>	<u>1.27%</u>
6	<u>01-4515-0103</u>	<u>PARKER LAWRENCE M & PATRICIA S</u>	<u>1,387.93</u>	<u>0.08%</u>
7	<u>01-4515-0109</u>	<u>STEVENSON ROBERT L & SUSAN D</u>	<u>31,118.34</u>	<u>1.89%</u>
8	<u>01-4515-0115</u>	<u>MCGLYNN EDWARD R & JESSICA</u>	<u>86,087.04</u>	<u>5.24%</u>
9	<u>01-4515-0116</u>	<u>KUTA DAVID R & JOAN E</u>	<u>57,450.61</u>	<u>3.50%</u>
10	<u>01-4515-0120</u>	<u>PRATER DON & DANA KONIGSBURG BRIAN</u>	<u>28,836.75</u>	<u>1.76%</u>
11	<u>01-4515-0102</u>	<u>R & JOYCE A</u>	<u>92,474.38</u>	<u>5.63%</u>
12				<u>0.00%</u>
13				<u>0.00%</u>
14				<u>0.00%</u>
15				<u>0.00%</u>
16				<u>0.00%</u>
17				<u>0.00%</u>
18				<u>0.00%</u>
19				<u>0.00%</u>
20				<u>0.00%</u>
21				<u>0.00%</u>
22				<u>0.00%</u>
23				<u>0.00%</u>
24				<u>0.00%</u>
25				<u>0.00%</u>

Validated By:	Total Area of Petitioner:	Total %
<u>Stacy Meeks</u>	<u>441,678.84</u>	<u>26.88%</u>



 1" = 600'	SUBJECT TRACT 	PETITIONS CASE #: C814-89-0006.03 ADDRESS: 7300 F M 2222 RD AT JESTER BLVD SUBJECT AREA (acres): 50.950	DATE: 06-04 INTLS: SM	CITY GRID REFERENCE NUMBER F31
	PENDING CASE 			

P E T I T I O N

Date: 4-14-06

File Number: C814-89-0006.03

Address of

Rezoning Request: 7300 FM 2222

6500 + 6508 Jester Blvd.

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than _____.

We are protesting the Canyon Ridge PUD changes in hours of operation, outdoor music and/or external speakers not necessary for security, the addition of a driveway on Jester Blvd., allowing the increase of fast food limited restaurant floor space, the separate pad for limited restaurant and drive thru lanes as an addition to principal use.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

<u>Signature</u>	<u>Printed Name</u>	<u>Address</u>
<i>Robert Wasmuth</i>	Robert Wasmuth	6767 Jester Blvd
<i>Ed McGinn</i>	Ed McGinn	6900 Agave Cove
<i>Lisa + Terry Pike</i>	Lisa + Terry Pike	6902 Agave Cove
<i>Lawrence A. Parker</i>	Lawrence A. Parker	7305 Blantley Court
<i>Don Prater</i>	Don Prater	7311 Halbert Dr.
<i>Fred Norton</i>	FRED NORTON	7407 CURRY LEAF CV
<i>Kurt Hasch</i>	KURT HASCH	6801 Jester Blvd
<i>Susan Stevenson</i>	SUSAN STEVENSON	7309 Halbert Dr.
<i>Winston A. Kriger</i>	Winston A. Kriger	7309 Blantley Court
<i>Daniels A. Owen</i>	DANIELS A. OWEN	6750 Jester Blvd.
<i>Jerry D. Grandis</i>	JERRY D. GRANDIS	7408 Curly Leaf Cove.
<i>Dave A. Kura</i>	DAVE A. KURA	6901 AGAVE COVE
<i>Kathy Richardson</i>	KATHY RICHARDSON	6903 AGAVE COVE

Date: 4-14-06

Contact Name: Dale Bulla

Phone Number: 345-9528

PETITION

Date: 4-20-06

File Number: 0814-89-0006.3

Address of

Rezoning Request: 7300 FM 2222, 6500 E
6508 JESTER BLVD

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than _____.

We are protesting the Canyon Ridge PUD changes in hours of operation, outdoor music and/or external speakers not necessary for security, the addition of a driveway on Jester Blvd., allowing the increase of fast food limited restaurant floor space, the separate pad for limited restaurant and drive thru lanes as an addition to principal use.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

<u>Signature</u> <u>[Handwritten Signature]</u>	<u>Printed Name</u> <u>Deep Nasta</u>	<u>Address (PROPERTY ADDRESS)</u> <u>6715 Jester Blvd. 78250</u>
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Contact Name: Dak. Billie
 Phone Number: 345-9528

RECEIVED
 APR 26 2006

P E T I T I O N

Date: 4-19-2006

File Number: C 814 - 89 - 0006.03

Address of

Rezoning Request: 7300 FM 2222

6500 + 6508 Jester Blvd

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than _____.

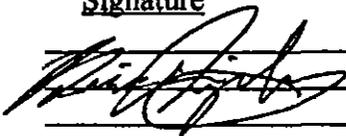
We are protesting the Canyon Ridge PUD changes in the hours of operation, outdoor music and /or external speakers not necessary for security, the addition of a driveway on Jester Blvd., allowing the increase of fast food limited restaurant floor space, the separate pad for limited restaurant and drive thru lanes as an addition to principal use.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature

Printed Name

Address



BRIAN KOWIGSBURG

7306 Bluntleaf Cove

Multiple horizontal lines for additional signatures and names.

Date: 4-19-06

RECEIVED

Contact Name: Dale Bulla

Phone Number: 345-9028

APR 26 2006

PETITION

Date: 04/19/06

File Number: C 814-89-0006.03

Address of 7300 FM 2222

Rezoning Request: ~~6733 Jester Blvd.~~
6500 + 6508 Jester Blvd.

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than _____.

We are protesting the Canyon Ridge PUD changes in hours of operation, outdoor music and/or external speakers not necessary for security, the ~~reduction of driveway on corner block~~, allowing the increase of fast food limited restaurant floor space, the separate pad for limited restaurant and drive thru lanes as an addition to principal use

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature

Printed Name

Address

[Signature] PHILIA M. RIFA 6733 JESTER BLVD.

[Signature] PHILIA M. RIFA

Date: 04/19/06

Date Bulla
Contact Name: PHILIA M. RIFA
Phone Number: ~~836-734-2151~~
572-345-9528

RECEIVED

APR 26 2006

**May 9, 2006
7202 Foxtree Cove
Austin, TX 78750**

**Canyon Ridge Architecture Control Committee
James Beard, President
9471 Steep Hollow Road
Bryan, TX 77808
Fax: 979/774-1662**

Dear Mr. Beard,

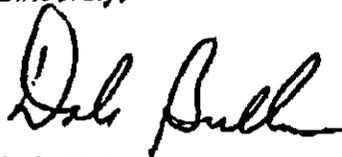
This is to inform the Canyon Ridge Architectural Control Committee that the Jester Estates Homeowners Association representative cannot support the request for variances to Article IV of the Declaration of Protective Covenants that govern lots 2,3 and 4 of the Canyon Ridge PUD proposed in the April 17th notification letter.

In 1991, the Jester HOA worked many months to agree on these guidelines for development, especially the drive through restriction. Therefore we cannot support any changes that allow for the possibility of drive-through businesses.

Additionally, as you may know, Jester HOA is a member of 2222CONA, Inc., which opposes drive-through businesses on RM 2222 due to the saturation of peak-hour traffic on 2222, especially where direct ingress/egress onto 2222 is not signalized.

Any drive through traffic for the proposed project will access the site either on Jester Boulevard, which is primarily a residential street, or on FM2222 at sites, which are not and cannot be signalized.

Sincerely,

A handwritten signature in black ink that reads "Dale Bulla". The signature is written in a cursive style with a large initial "D".

Dale Bulla
Jester Homeowners Association Board
Architectural Control Chair
7202 Foxtree Cove
Austin, TX 78750
dale-bulla@pobox.com
Office phone or fax 512/345-9502

Cc Nancy Cothran, 346-5871, fax
James Graham, 372-9990, fax
Amanda Morrow, 435-2360, fax
Sherry Sirwaitis, 974-2269, fax